



SECTION 8.0 REFERENCES

2.0 NPDES Minimum Control Measures

2.1 Public Education and Outreach – MCM #1

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NPDES PERMIT AND FACT SHEET DEVELOPMENT

The process for developing the draft NPDES Permit for NDOR was initiated in 2003 when a Permit application was submitted to NDEQ. The initial application was processed by NDEQ, but no Permit was ever finalized. In 2006, NDOR initiated the process again in an effort to meet three objectives. First, reduce the liability inherent in discharging storm water to the storm drain system without a NPDES Permit where federal and state regulations require coverage. Second, streamline the process of complying with NPDES regulations placed on NDOR by the General Permit for Construction Stormwater Discharges. Finally, increase the awareness and participation of all NDOR employees regarding the discharge of pollutants from NDOR operations and properties which are to be regulated by the SWMP.

NDOR hired a consultant to assist with the process of obtaining an NPDES Permit that will cover NDOR as an MS4 in Nebraska. A cooperative effort was initiated where the consultant would draft the NPDES Permit and support document (Fact Sheet) for NDEQ. The process included multiple meetings between NDEQ and NDOR to discuss language in the draft Permit and Fact Sheet. This process was mutually beneficial in that: it reduced the amount of staff time NDEQ required to issue the Permit for NDOR; it ensured that the Permit adheres to the minimum requirements of current federal and state regulations; and it substantially reduced the amount of time required to get the draft NPDES Permit on public notice.

The final draft Permit was sent to NDEQ for formal review on August 25, 2006. Only minor comments were made for modification of the draft Permit. These modifications were made and the draft Permit was placed on public notice by NDEQ on December 1, 2006. The public notice period is scheduled to end on December 30, 2006. Depending on the nature of comments received during the public notice period, NDOR may expect to receive authorization as a regulated MS4 in early 2007.

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8.1 NPDES Permit and Fact Sheet

08/16/06 **DRAFT**

**Authorization to Discharge Under the
National Pollutant Discharge Elimination System
(NPDES)**

In compliance with the provisions of the Federal Water Pollution Control Act (33 U.S.C. Sections. 1251 et. seq. as amended to date), the Nebraska Environmental Protection Act (Neb. Rev. Stat. Sections 81-1501 et. seq. as amended to date), and the Rules and Regulations promulgated pursuant to these Acts, the Small Municipal Separate Storm Sewer System (SMS4) identified in this permit is authorized to discharge storm water and associated pollutants to waters of the State. This permit establishes prohibitions, limitations and other conditions pertaining to the discharge of pollutants in storm water runoff. This permit does not relieve the Permittee of other duties and responsibilities under the Nebraska Environmental Protection Act, as amended, or established by regulations promulgated pursuant thereto.

NPDES Permit No.: NE0134015
IIS File No.: PCS 64332-P
Permittee: Nebraska Department of Roads (NDOR)
Facility Locations: Property or locations that are owned by NDOR within all regulated Municipal Separate Sewer Systems (MS4s) designated by the Director of NDEQ in accordance with NDEQ Title 119, Chapter 10 002.02 within the State of Nebraska
Effective Date: Tentative January 1, 2007
Expiration Date: Tentative December 31, 2012

Pursuant to the Delegation Memorandum dated January 12, 1999 and signed by the Director, the undersigned hereby executes this document on the behalf of the Director.

Signed this ____ day of _____, _____

(Draft)

Patrick W. Rice,
Assistant Director



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Part I. Discharges Authorized Under This Permit

A. Coverage Area

This permit provides coverage for any property owned by the Nebraska Department of Roads (NDOR), the Permittee, which is located within the urbanized area of regulated Municipal Separate Storm Sewer Systems (MS4s) throughout the State of Nebraska. Identification of regulated MS4s is determined by the Nebraska Department of Environmental Quality (Department) according to Title 119, Chapter 10 002.10. Upon identification of other newly-designated, regulated MS4s, NDOR shall be responsible for compliance with the terms of this permit in those areas of the state as well.

B. Authorized Discharges

This permit authorizes storm water discharges associated with NDOR activities that contribute substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the Department. The discharges provided coverage under this permit include:

1. Storm water that originates from within the coverage area;
2. Storm water from areas outside the coverage area that flows into and through the SMS4;
3. Other Allowable Non-Storm Water Discharges as identified in the following list; water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, and other similar discharges determined by the Department not to be significant pollutant sources.

C. Limitations on Authorization

This permit shall not authorize the discharge of pollutants by any party that is required to obtain coverage under a separate National Pollutant Discharge Elimination System (NPDES) Permit according to Title 119, Chapter 2 002.

Part II. Resource Requirements

A. Adequate Enforceable Authority

The Permittee shall ensure that adequate enforceable authority exists – through establishment of standard operating procedures, policies, sanctions, and inclusion of provisions related to storm water management in applicable contracts or similar means – to control discharges to and from the SMS4. This authority shall include provisions, as needed, for the following:

1. Prohibition of non-storm water discharges into the regulated storm sewer system;
2. Requirements for erosion and sediment controls;
3. Require the implementation and maintenance of appropriate erosion and sediment control BMPs; and
4. Address post-construction runoff from new development and redevelopment projects.

B. Storm Water Management Program Resources

The Permittee shall provide adequate program resources (i.e., fiscal support, staff, equipment, support capabilities, etc.) to implement the requirements set forth in this permit.

C. Shared Responsibility

1. NDOR may rely on another entity to satisfy its NPDES permit obligations to implement a Minimum Control Measure (MCM) if:
 - a. The other entity, in fact, implements the MCM;

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- b. The particular MCM, or component thereof, is at least as stringent as the corresponding NPDES permit requirement; and
 - c. The other entity agrees to implement the MCM on behalf the Permittee.
 - i) In the annual reports NDOR must submit under according to Part IV of this permit, it must also specify that it relies on another entity to satisfy some of its permit obligations.
 - ii) The Permittee remains responsible for compliance with its permit obligations if the other entity fails to implement the MCM (or component thereof).
 2. In the event that one or more of the MCMs that would otherwise apply to the Permittee is expressly made the responsibility of some other entity in an NPDES permit issued to the Permittee or other such entity, then the Permittee is not required to include the particular control measure(s) in its storm water management program. The NPDES permit is subject to modification according to Part V.A of this permit if the surrogate entity fails to implement the control measure effectively.

Part III. Storm Water Management Program (SWMP)

A. Program Purpose

The Permittee shall implement a Storm Water Management Program (SWMP) designed to reduce the discharge of pollutants from the SMS4 to the Maximum Extent Practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The SWMP is included as Appendix B of this permit. For the purpose of the SWMP, narrative effluent limitations requiring implementation of Best Management Practices (BMPs) are generally the most appropriate form of effluent limitations when meeting the MEP standard. Implementation of BMPs consistent with this permit shall constitute compliance with the purpose of the regulated SMS4 regulatory requirements.

B. Minimum Control Measures

The Permittee shall implement the six MCMs listed below in compliance with the requirements set forth in Title 119, Chapter 10 002.12B through 002.12F and 40 CFR 122.34(b)(2). Each of the MCMs of the SWMP shall be implemented in compliance with Title 119, Chapter 10 002.12A, which requires compliance with the conditions of the permit to the MEP, but in no event later than five years after the permit effective date.

1. Public Education and Outreach
 - a. The Permittee must implement a public education program to distribute educational materials to the community; or
 - b. Conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.
2. Public Involvement and Participation

The Permittee must comply with State, Tribal, and local public notice requirements when implementing this measure.
3. Illicit Discharge Detection and Elimination

The Permittee must work to implement and enforce a program to detect and eliminate illicit discharges into the SMS4.

 - a. The Permittee must develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the state that receive discharges from these outfalls;
 - b. To the extent allowable under state or local law, the Permittee must effectively prohibit, through adequate enforceable authority, non-storm water discharges into the SMS4 and implement appropriate enforcement procedures and actions;
 - c. The Permittee must develop and implement a plan to detect and address non-storm water discharges, including illegal dumping to the SMS4; and

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- d. The Permittee must inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.
- e. The SWMP need not address the allowable non-storm water discharges identified in Part I.B.3 or flows and illicit discharges if the Permittee correctly identifies them as not significant contributors of pollutants to the SMS4.

4. Construction Storm Water

The Permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to its SMS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the SMS4 program if that activity is part of a larger common plan of development or sale that would disturb one acre or more. The program related to construction activities must include the development and implementation of, at a minimum:

- a. Adequate enforceable authority to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;
- b. Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;
- c. Procedures for site plan review which incorporate consideration of potential water quality impacts; and
- d. Procedures for site inspection and enforcement of control measures.

5. Post-Construction Storm Water

The Permittee must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects including projects less than one acre that are part of a common plan of development or sale. The program must ensure that controls are in place that would prevent or minimize water quality impacts and must include:

- a. Development and implementation strategies which include a combination of structural and/or non-structural BMPs appropriate for the SMS4;
- b. Use of adequate enforceable authority to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law; and
- c. Provision for adequate long-term operation and maintenance of BMPs.

6. Pollution Prevention/Good Housekeeping

The Permittee must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from agency operations. The program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.

C. Evaluation and Assessment

- 1. The Permittee must evaluate program compliance, the appropriateness of the identified BMPs, and progress towards achieving the identified measurable goals of the SWMP. A plan for evaluation and assessment shall be submitted to the Department in year one of the permit term and subsequent annual reports shall provide the results of such evaluation.
- 2. Data collected by other reliable sources (e.g. NDEQ, Nebraska Game and Parks, Natural Resource Districts, adjacent municipalities, etc.) may be used by the Permittee to help evaluate and assess the effectiveness of SWMP. Data from other sources that is used to justify permit compliance must be submitted to the Department in the annual report as required under Part IV.A.5 of this permit. Such information must include:
 - a. A summary of any cooperative efforts regarding monitoring within the state;

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- b. Tabulated data generated from the monitoring program;
- c. Summary of the monitoring program work to date including any problems with the monitoring protocol and recommendations for any changes to the monitoring program.

Part IV. Storm Water Reporting and Recordkeeping Requirements

A. Annual Report

The Permittee shall submit an annual report to the Department Director no later than 90 days after the anniversary date of the issuance of this permit. The report shall summarize the following elements;

- 1. The status of compliance with this permit including implementation of the components of the SWMP required in Part III;
- 2. An evaluation and assessment of the appropriateness of the identified BMPs and progress towards achieving the identified measurable goals for each of the MCMs;
- 3. Any changes to the identified BMPs or measurable goals for any of the MCMs. Such proposed changes shall be consistent with Part V.B of this permit;
- 4. Annual expenditures and budget for the permit year following each annual report;
- 5. A summary of data, including any monitoring data, if any, during the reporting period;
- 6. A summary of any changes to the evaluation and assessment plan required in Part III.C of this permit;
- 7. A summary of the storm water activities that the Permittee plans to undertake during the next reporting cycle;
- 8. Notice that the regulated SMS4 is relying on another government entity to satisfy some of its permit obligations, if applicable;
- 9. A summary describing the number and nature of enforcement actions, inspections, and public education programs; and
- 10. Identification of water quality improvements or degradation in receiving waters of the State that the Permittee contributes to within the coverage area of this permit.

B. Recordkeeping and Record Availability

All records required by this permit must be kept by the Permittee for at least three years. The Permittee must submit its records to the Department only when specifically asked to do so. All records, including a description of the SWMP must be made available to the public at reasonable business hours.

Part V. Amendment Procedures and Requirements

A. Permit Modifications

Any amendments to this permit must comply with the applicable requirements set forth in NDEQ Title 119, Chapter 24.

B. Storm Water Management Program Modifications

Either the Department or the Permittee may propose amendments that are consistent with the requirements in Part III of this permit for the SWMP or evaluation program at any time. Proposed amendments shall not be implemented without agreement from both the Department and the Permittee. Proposed amendments that cannot be agreed upon shall conform to the amendment procedures of Part V.A of this permit.

Part VI. Definitions

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Clean Water Act refers to the Federal Clean Water Act (33 U.S.C. 1251 *et seq.*).

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Construction Activity refers to any disturbance to land surfaces greater than one (1) acre in area that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated storm water runoff, leading to soil erosion and movement of sediment into waters of the State or urban drainage systems. Construction activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more and includes all areas of support activity, such as concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas.

Coverage Area refers to the area of activity within a specific boundary defined in the permit where the discharge of pollutants, under specific permit conditions, is authorized.

Community refers the body of citizens that interact within the coverage area of a permit and have the potential to impact the quality of storm water quality discharging to the regulated MS4.

Development refers to the conversion of land from a specific purpose to a more profitable, productive, or useful purpose.

Erosion and Sediment Control refers either to measures employed to prevent sediment from moving from its existing location or methods employed to prevent sediment from leaving the construction site after it has eroded from its existing location.

Illicit Discharge means any discharge, including illegal dumping, to an MS4 that is not composed entirely of storm water, except allowable discharges pursuant to an NPDES permit and allowable Non-Storm Water Discharges, including those resulting from fire fighting activities.

Illegal Dumping refers to a form of illicit discharge that has an inconsistent frequency, composition and mode of entry into the storm drain system making it more difficult to detect and prevent.

Maximum Extent Practicable (MEP) means the level of intergovernmental coordination required to reduce the discharge of pollutants using Best Management Practices, control techniques, system planning design, engineering methods, and other appropriate considerations and actions.

Measurable Goals means specific actions that are selected and implemented by an MS4 that will satisfy the requirements of each Minimum Control Measure and comprehensively address the specific storm water problems within the coverage area.

Minimum Control Measure (MCM) refers to one of the six major components of the Storm Water Management Program. The six MCMs include Public Education and Outreach, Public Participation and Involvement, Illicit Discharge Detection and Elimination, Construction Storm Water Control, Post-Construction Storm Water Control, and Pollution Prevention and Good Housekeeping.

Municipality means a city, town, village, county, district, association, or other public body created by pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

Municipal Separate Storm Sewer System (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer;
4. Which is not part of a Publicly Owned Treatment Works (POTW)
5. Referred to as regulated when and NPDES permit has been issued for the system by the Department; and
6. Referred to as small (SMS4) when the conditions of NDEQ Title 119, Chapter 1 111 apply to the MS4.

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- Narrative Effluent Limitations** are required action levels for permit compliance that are not based on a numeric standard and typically refer to the implementation of certain Best Management Practices.
- National Pollutant Discharge Elimination System** refers to the discharge permit program set up pursuant to Section 402 of the Federal Clean Water Act.
- Nebraska Environmental Protection Act** refers to Nebraska Revised Statutes §§ 81-1501 etc. al.
- Non-Storm Water Discharge** refers to discharges to the regulated MS4 that are not defined as Illicit Discharges, not permitted under an NPDES permit, and/or are not made up entirely of storm water.
- Non-Structural BMP** refers to various activities – such as land use practices and source control practices – that prevent or reduce urban storm water runoff problems in receiving waters by reducing potential pollutants or managing runoff at the source before they have the opportunity to reach waters of the State.
- Operator** refers to the person or position responsible for implementing the components of a pollution prevention plan on site.
- Outfall** means a point source at the point where a facility and/or municipal separate storm sewer discharges to waters of the State. This does not include open conveyances connecting to municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the State and are used to convey waters of the State.
- Permittee** refers to an entity that has received NPDES permit authorization for discharges of pollutants to waters of the State.
- Public** (see Community)
- Redevelopment** refers to the conversion of land, buildings, or storm water control measures from a specific purpose to a more profitable, productive, or useful purpose.
- Storm Water** means storm water runoff, snowmelt runoff, and surface runoff and drainage.
- Storm Water Discharges Associated with Industrial Activity** means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial site.
- Storm Water Management Program (SWMP)** refers to the program developed, implemented, and enforced by the Permittee for the purpose of reducing the discharge of pollutants from the MS4 coverage area, protecting water quality, and satisfying the appropriate water quality requirements of the Clean Water Act though compliance with the minimum control measures required by the regulatory authority.
- Structural BMP** refers to engineered controls designed to manage or alter the flow, velocity, duration, and other characteristics of storm water runoff by physical means using standard engineering methods.
- Total Maximum Daily Load (TMDL)** is the pollutant load that a given stream segment can assimilate without causing a water quality criteria to be exceeded.
- Urbanized Area** means the land area comprising one or more places – central place(s) – and the adjacent densely settled surrounding area – urban fringe – that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile. It is a calculation used by the Bureau of the Census to determine the geographic boundaries of the most heavily developed and dense urban areas.
- Water Quality Criteria** means the elements of the Water Quality Standards that are expressed as concentrations, levels, or narrative statements and represent the quality of water that is necessary to protect a beneficial use.
- Water Quality Impacts** mean the degradation of receiving water's designated use(s) and/or the violation of Water Quality Standards.
- Water Quality Standards** means the rules or regulations which are comprised of the Water Quality Criteria that are necessary to protect the beneficial uses of surface waters.
- Waters of the State** means all waters within the jurisdiction of the state including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, water courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

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Part VII. Abbreviations

BMP – Best Management Practice
CFR - Code of Federal Regulations
CWA - Federal Clean Water Act (33 U.S.C. 1251 *et seq.*)
EPA – Environmental Protection Agency
MCM – Minimum Control Measure
MEP – Maximum Extent Practicable
MS4 - Municipal Separate Storm Sewer System
NDEQ - Nebraska Department of Environmental Quality
NDEQ Title 115 - *Rules of Practice and Procedure*
NDEQ Title 117 - *Nebraska Surface Water Quality Standards*
NDEQ Title 118 - *Ground Water Quality Standards and Use Classification*
NDEQ Title 119 - *Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System*
NDEQ Title 132 - *Rules and Regulations Pertaining to Solid Waste Management*
NDOR – Nebraska Department of Roads
NEPA - Nebraska Environmental Protection Act
NPDES - National Pollutant Discharge Elimination System
POTW - Publicly Owned Treatment Works
SMS4 – Small Municipal Separate Storm Sewer System
SWMP – Storm Water Management Program

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Appendix A - Standard Conditions that Apply to NPDES and NPP Permits

These general conditions are applicable to all NPDES and NPP permits. These conditions shall not preempt any more stringent requirements found elsewhere in this permit.

A. General Conditions

1. Information Available

All permit applications, fact sheets, permits, discharge data, monitoring reports, and any public comments concerning such shall be available to the public for inspection and copying, unless such information about methods or processes is entitled to protection as trade secrets of the owner or operator under Neb. Rev. Stat. §81-1527, (Cum. Supp. 1992) and NDEQ Title 115, Chapter 4.

2. Duty to Comply

All authorized discharges shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit.

The Permittee shall comply with all conditions of this permit. Failure to comply with these conditions may be grounds for administrative action or enforcement proceedings including injunctive relief and civil or criminal penalties.

The filing of a request by the Permittee for a permit modification, revocation and re-issuance, termination or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

3. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize, prevent or correct any adverse impact to the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as required by the NDEQ to determine the nature and impact of the noncompliant discharge.

4. Permit Actions

This permit may be modified, suspended, revoked or reissued, in part or in whole, in accordance with the regulations set forth in NDEQ Titles 119, Chapter 24. In addition, this permit may be modified, revoked and reissued to incorporate standards or limitations issued pursuant to Sections 301(b)(b)(c), 301(b)(b)(d), 304(b)(b), 307(a)(b), or 405(d) of the Clean Water Act and Public Law 100-4 (i.e., industrial categorical standards and municipal sludge regulations).

5. Land Application of Wastewater Effluent

The Permittee shall be permitted to discharge treated wastewater effluent by means of land application in accordance with the regulations and standards set forth in NDEQ Title 119, Chapter 12, 002.

6. Toxic Pollutants

The Permittee shall not discharge pollutants to waters of the state that cause a violation of the standards established in NDEQ Titles 117, 118 or 119. All discharges to surface waters of the state shall be free of toxic (acute or chronic) substances which alone or in combination with other substances, create conditions unsuitable for aquatic life outside the appropriate mixing zone.

7. Oil and Hazardous Substances/Spill Notification

Nothing in this permit shall preclude the initiation of any legal action or relieve the Permittee from any responsibilities, liabilities or penalties under Section 311 of the Clean Water Act. The Permittee shall conform to the provisions set forth in NDEQ Title 126, *Rules and Regulations Pertaining to the Management of Wastes*. If the Permittee knows, or has reason to believe, that oil or hazardous substances were released at the facility and could enter waters of the state or any of the outfall discharges authorized in this permit, the Permittee shall immediately notify the Department of a release of oil or hazardous substances. During Department office hours (i.e., 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays), notification shall be made to the Nebraska Department of Environmental Quality at telephone numbers (402) 471-2186 or (877) 253-2603 (toll free). When NDEQ cannot be contacted, the Permittee shall report to the Nebraska State Patrol for referral to the NDEQ Emergency Response Team at telephone number (402) 471-4545. It shall be the Permittee's responsibility to maintain current telephone numbers necessary to carry out the notification requirements set forth in this paragraph.

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8. Property Rights

The issuance of this permit does not convey any property rights of any sort or any exclusive privileges nor does it authorize any damage to private property or any invasion of personal rights nor any infringement of federal, state or local laws or regulations.

9. Severability

If any provision of this permit is held invalid, the remainder of this permit shall not be affected.

10. Other Rules and Regulations Liability

The issuance of this permit in no way relieves the obligation of the Permittee to comply with other rules and regulations of the Department.

11. Inspection and Entry

The Permittee shall allow the Director or his authorized representative, upon the presentation of his identification and at a reasonable time:

- a. to enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or records are required to be kept under the terms and conditions of the permit,
- b. to have access to and copy any records required to be kept under the terms and conditions of the permit,
- c. to inspect any facilities, equipment (including monitoring and control), practices or operations regulated or required in the permit, and
- d. to sample or monitor any substances or parameters at any location.

12. Penalties

Violations of the terms and conditions of this permit may result in the initiation of criminal and/or civil actions. Civil penalties can result in fines of up to \$10,000.00 per day (Neb. Rev. Stat. §81-1508, as amended to date). Criminal penalties for willful or negligent violations of this permit may result in penalties of \$10,000.00 per day or by imprisonment. Violations may also result in federal prosecution.

B. Management Requirements

1. Duty to Provide Information

The Permittee shall furnish to the Department within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit; or to determine compliance with this permit. The Permittee shall also furnish to the Department upon request, copies of records retained as a requirement of this permit.

2. Duty to Reapply

The Permittee shall apply for a re-issuance of this permit, if an activity regulated by this permit is to be continued after the expiration date of this permit. The application shall be submitted at least 180 days before the expiration of this permit on an application form supplied by the Department, as set forth in NDEQ Titles 119, Chapter 5 002.

3. Signatory Requirements

All reports and applications required by this permit or submitted to maintain compliance with this permit, shall be signed and certified as set forth in this section.

- a. Permit applications shall be signed by a cognizant official who meets the following criteria:
 - for a corporation: by a principal executive officer of at least the level of vice-president,
 - for a partnership or sole proprietorship: by a general partner or the proprietor, respectively, or
 - for a municipality, state, federal or other public facility: by either a principal executive officer or highest ranking elected official.
- b. Discharge monitoring reports and other information shall be signed by the **cognizant official** or by an **authorized representative**.
- c. The cognizant official designates an authorized representative. The authorized representative is responsible for the overall operation of the facility (i.e., the WWTF Operator, the City Manager, the Public Utilities Superintendent or similar person).

8.0 References

8.1 NPDES Permit and Fact Sheet

- d. Any change in the signatories shall be submitted to the Department, in writing, within 30 days after the change.
- e. Certification. All applications, reports and information submitted as a requirement of this permit, shall contain the following certification statement:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

C. Monitoring and Records

1. Representative Sampling

Samples and measurements taken as required within this permit shall be representative of the discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other waste stream, body of water or substance. Monitoring points shall not be changed without notification to the Department and with the written approval of the Director.

- a. Composite sampling shall be conducted in one of the following manners:
 - continuous discharge - a minimum of one discrete aliquot collected every three hours,
 - less than 24 hours - a minimum of hourly discrete aliquots or a continuously drawn sample shall be collected during the discharge, or
 - batch discharge - a minimum of three discrete aliquots shall be collected during each discharge.
- b. Composite samples shall be collected in one of the following manners:
 - the volume of each aliquot must be proportional to either the waste stream flow at the time of sampling or the total waste stream flow since collection of the previous aliquot,
 - a number of equal volume aliquots taken at varying time intervals in proportion to flow,
 - a sample continuously collected in proportion to flow, and
 - where flow proportional sampling is infeasible or nonrepresentative of the pollutant loadings, the Department may approve the use of time composite samples.
- c. Grab samples shall consist of a single aliquot collected over a time period not exceeding 15 minutes.
- d. All sample preservation techniques shall conform to the methods adopted in NDEQ Title 119, Chapter 21, 006 unless:
 - in the case of sludge samples, alternative techniques are specified in the 40 CFR, Part 503, or
 - other procedures are specified in this permit.

2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be used to insure the accuracy and reliability of measurements. The devices shall be installed, calibrated and maintained to insure the accuracy of the measurements. The accepted capability shall be consistent with the type of that device. Devices selected shall be capable of measuring flows with a maximum deviation of +/- 10%. The amount of deviation shall be from the true discharge rates throughout the range of expected discharge volumes. Guidance can be obtained from the following references for the selection, installation, calibration and operation of acceptable flow measurement devices:

- a. "Water Management Manual," U. S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 2001, 327 pp. Available from the National Technical Information Services (NTIS) or order on-line at <http://www.wrpllc.com/books/wmfv.html>.
- b. "NPDES Compliance Inspection Manual," U. S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Publication EPA 300-B-94-014 September 1994. This document is available from the National Technical Information Services (NTIS) or on-line at

8.0 References

8.1 NPDES Permit and Fact Sheet

<http://www.epa.gov/compliance/resources/publications/monitoring/cwa/inspections/npdesinspect/npdesmanual.html>.

3. Test Procedures

Test procedures used for monitoring required by this permit shall conform to the methods adopted in NDEQ Title 119, Chapter 21, 006 unless:

- a. in the case of sludge samples, alternative techniques are specified in the 40 CFR, Part 503, or
- b. other procedures are specified in this permit.

4. Averaging of Measurements

Averages shall be calculated as an arithmetic mean except:

- a. bacterial counts which shall be calculated as a geometric mean, or
- b. where otherwise specified by the Department.

5. Retention of Records

The Permittee shall retain records of all monitoring activities for a period of at least three years (except five years for biosolids data) as set forth in NDEQ Titles 119, Chapter 14 001.02. The types of records that must be retained include, but are not limited to:

- a. calibration and maintenance records,
- b. original strip chart recordings,
- c. copies of all reports required by this permit,
- d. monitoring records and information, and
- e. electronically readable data.

The Permittee shall retain records of monitoring required by this permit that are related to biosolids use and disposal for a period of five years or longer, as required in NDEQ Titles 119, Chapter 14.

6. Record Contents

As set forth in NDEQ Title 119, Chapter 14, records of sampling or monitoring information shall include:

- a. the date(s), exact place, time and methods of sampling or measurements,
- b. the name(s) of the individual(s) who performed the sampling or measurements,
- c. the date(s) the analyses were performed,
- d. the individual(s) who performed the analyses,
- e. the analytical techniques or methods used,
- f. the results of such analyses, and
- g. laboratory data, bench sheets and other required information.

D. Reporting Requirements

1. Immediate Notification

- a. NPP Permittees shall report immediately to the publicly owned treatment works (POTW) from the time the Permittee becomes aware of any discharge to the POTW that may result in a violation of NDEQ Title 119, Chapter 26.
- b. All Permittees shall report immediately to the NDEQ from the time the Permittee becomes aware of the following circumstances:
 - discharges of oil or hazardous substances which threaten waters of the state or public health and welfare, and
 - discharges causing in-stream toxicity (i.e., a fish kill) or an immediate threat to human health.

Initial notification may be verbal. A written noncompliance notification shall be submitted as set forth in Section D. 3 of this Appendix.

2. Test Procedures

Test procedures used for monitoring required by this permit, shall conform to the methods adopted in NDEQ Title 119, Chapter 27 unless:

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- a. In the case of biosolids samples, alternative techniques are specified in the NDEQ Title 119, Chapter 14; or
 - b. Other procedures are specified in this permit.
3. **24-Hour Reporting**

As set forth in NDEQ Title 119, Chapter 14 the Permittee shall report to the NDEQ, within 24 hours of becoming aware of:

- a. any noncompliance which may endanger the environment or human health or welfare,
- b. any unanticipated bypass,
- c. all upsets,
- d. any discharge to a POTW that causes a violation of the prohibited discharge standards, or
- e. any noncompliance of an effluent limitation in this permit.

Initial notification may be verbal. A written noncompliance notification shall be submitted as set forth in Section D. 3 of this permit.

As set forth in NDEQ Title 119, Chapter 26, if sampling performed by an industrial user (NPP Permittee) indicates a permit effluent violation, the Permittee shall notify the Department and the city within 24 hours of becoming aware of the violation. The Permittee shall resample and have it analyzed. The results of the resampling analysis shall be submitted to the Department and the city within 30 days after becoming aware of the violation.

4. **Written Noncompliance Notification**

- a. The Permittee shall submit a written noncompliance report to the NDEQ:
within five days of becoming aware of any noncompliance with the:
 - (a) NPP effluent limitations or requirements set forth in this permit, or
 - (b) NPDES toxic pollutant effluent limitations or requirements set forth in this permit.within seven days of becoming aware of any other noncompliance with the NPDES requirements and/or effluent limitations set forth in this permit.
- b. The written notification shall be submitted on a noncompliance form supplied by the Department and shall include:
 - a description of the discharge and cause of noncompliance,
 - the period of noncompliance, including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue, and
 - the steps taken to reduce, eliminate and prevent the reoccurrence of the noncompliance.

The submittal of a written noncompliance report does not relieve the Permittee of any liability from enforcement proceedings that may result from the violation of permit or regulatory requirements.

5. **Quarterly Discharge Monitoring Reports (DMRs)**

The Permittee shall report the monitoring results required by this permit on a DMR form supplied or approved by the Department. Monitoring results shall be submitted on a quarterly basis using the reporting schedule set forth below, unless otherwise specified in this permit or by the Department.

Monitoring Quarters	DMR Reporting Deadlines
January - March	April 28
April - June	July 28
July - September	October 28
October - December	January 28

If the Permittee monitors any pollutant more frequently than required by this permit, using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted on the DMR. The frequency of the analysis shall also be reported on the DMR.

6. **Changes in Discharge**

Any facility expansion, production increases or process modifications which will result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants must be reported by the Permittee 180 days prior to the expansion, increases or modifications, either by

8.0 References

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amending his original application or by submitting a new application. This permit may be modified or revoked and reissued as a result of this notification to maintain compliance with applicable state or federal regulations.

7. Changes in Toxic Discharges from Manufacturing, Commercial, Mining and Silvicultural Facilities
Permittees discharging from manufacturing, commercial, mining and silvicultural facilities shall report to the Department:

- a. if any toxic pollutant not limited in this permit is discharged from any NPDES outfall as a result of any activity that will or has occurred and results in its routine or frequent discharge. The Department shall be informed if that discharge exceeds the following notification levels:

100 micrograms per liter (0.1 mg/L) for any toxic pollutant,

200 micrograms per liter for acrolein and acrylonitrile (0.2 mg/L),

500 micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol (0.5 mg/L),

1000 micrograms per liter for antimony (1 mg/L),

five times the maximum concentration value reported for that pollutant in the permit application or an alternative level established by the Director, and

- b. if any toxic pollutant not limited in this permit is discharged from an NPDES outfall as a result of any activity that will or has occurred and results in its nonroutine discharge. The Department shall be informed if that discharge exceeds the following notification levels:

500 micrograms per liter (0.5 mg/L) for any toxic pollutant,

1000 micrograms for antimony (1 mg/L),

ten times the maximum concentration value reported for that pollutant in the permit application, or an alternative level established by the Director.

8. Changes in Sludge Quality

The Permittee shall provide written notice to the Department of any alteration or addition that results in a significant change in the Permittee's sludge use or disposal practices. This permit may be modified or revoked and reissued as a result of this notification to maintain compliance with applicable state or federal regulations.

9. Changes of Loadings to Publicly Owned Treatment Work (POTW)

POTW's shall notify the Department of the following:

- a. any new introduction of pollutants from dischargers subject to the categorical pretreatment discharge limitations set forth in NDEQ Title 119, Chapter 27, and

- b. any substantial change in the volume or character of pollutants being introduced into the POTW.

Notification shall be made 180 days in advance whenever possible. Information on the quantity and quality of new discharges and their anticipated impact on the POTW shall be included.

10. Transfers

The Permittee shall notify the Department at least 30 days prior to the proposed transfer of ownership of this permit or the permitted facility to another party. The Department may modify or revoke and reissue this permit as set forth in NDEQ Title 119, Chapter 24.

11. Compliance Schedules

The Permittee shall submit a written report of compliance or noncompliance with any compliance schedule established in this permit. The written report shall be submitted within 14 days following all deadlines established in the compliance schedule. If compliance has not been achieved, the report shall include an alternative completion date, an explanation of the cause of the noncompliance and an explanation of the steps being taken to ensure future compliance. The submission of this report does not ensure the Department's acceptance of alternative compliance dates nor does it preclude the Department from initiating enforcement proceedings based upon the reported noncompliance.

8.0 References

8.1 NPDES Permit and Fact Sheet

E. Operation and Maintenance

1. Proper Operation and Maintenance

The Permittee shall, at all times, maintain in good working order and operate as efficiently as possible, any facilities or systems of control installed by the Permittee in order to achieve compliance with the terms and conditions of this permit. This would include, but not be limited to, effective performance based on designed facility removals, effective management, adequate operator staffing and training, adequate laboratory and process controls, and adequate funding which reflects proper user fee schedules.

2. Treatment System Failure and Upset

An upset is an affirmative defense to an enforcement action brought for noncompliance with technology-based permit effluent limitations if the Permittee can demonstrate, through properly signed, operating logs or other relevant evidence, that:

- a. an upset occurred and the specific cause was identified,
- b. that the facility was properly operated and maintained at such time,
- c. the Department was notified within 24 hours of the Permittee becoming aware of the upset, and
- d. the Permittee took action to reduce, eliminate and prevent a reoccurrence of upset, including minimizing adverse impact to waters of the state.

3. Bypassing

Any diversion from or bypass of the treatment facilities is prohibited, unless:

- a. It is unavoidable to prevent loss of life, personal injury or severe property damage;
No feasible alternative exists, i.e., auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime;
The Permittee submits notice to the Department within 24 hours of becoming aware of the bypass or if the bypass is anticipated or should have been anticipated, the Department is notified at least ten days prior to the bypass; and
The bypass is conducted under conditions determined to be necessary by the Director to minimize any adverse effects.
- b. If the bypass is needed for regular preventative maintenance for which back-up equipment should be provided, the bypass will not be allowed. When a bypass occurs, the burden is on the Permittee to demonstrate compliance with items "a" through "d" above.
- c. Additionally, NPP Permittees shall report any bypasses to the POTW. Unanticipated bypasses shall be reported immediately and anticipated bypasses shall be reported at least ten days in advance.
- d. All NPDES Permittees shall notify the general public that a bypass of the treatment system is occurring. The public notification shall include:
Location of the bypass;
The date the bypass started;
Anticipated length of time the bypass will occur; and
An estimate of the total volume of wastewater bypassed.

4. Removed Substances

Solids, sludge, filter backwash or other pollutants removed in the course of treatment or control of wastewater shall be disposed of at a site and in a manner approved by the Nebraska Department of Environmental Quality. The disposal of nonhazardous industrial sludges shall conform to the standards established in or to the regulations established pursuant to 40 CFR, Part 257. The disposal of sludge shall conform to the standards established in or to the regulations established pursuant to 40 CFR, Part 503. If solids are disposed of in a licensed sanitary landfill, the disposal of solids shall conform to the standards established in NDEQ Title 132. Publicly owned treatment works shall dispose of sewage sludge in a manner that protects public health and the environment from any adverse effects which may occur from toxic pollutants as defined in Section 307 of the Clean Water Act. This permit may be modified or revoked and reissued to incorporate regulatory limitations established pursuant to 40 CFR, Part 503.

8.0 References

8.1 NPDES Permit and Fact Sheet

F. Definitions

Administrator: The Administrator of the USEPA.

Aliquot: An individual sample having a minimum volume of 100 milliliters that is collected either manually or in an automatic sampling device.

Biweekly: Once every other week.

Bimonthly: Once every other month.

Bypass: The intentional diversion of wastes from any portion of a treatment facility.

Daily Average: An effluent limitation that cannot be exceeded and is calculated by averaging the monitoring results for any given pollutant parameter obtained during a 24-hour day.

Department: Nebraska Department of Environmental Quality.

Director: The Director of the Nebraska Department of Environmental Quality.

Industrial Discharge: Wastewater that originates from an industrial process and / or is noncontact cooling water and / or is boiler blowdown.

Industrial User: A source of indirect discharge (a pretreatment facility).

Monthly Average: Is an effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a calendar month.

Passive Discharge: A discharge from a POTW that occurs in the absence of an affirmative action and is not authorized by the NPDES permit (e.g. discharges due to a leaking valve, discharges from an overflow structure) and / or is a discharge from an overflow structure not designed as part of the POTW (e.g. discharges resulting from lagoon berm / dike breaches).

Publicly Owned Treatment Works (POTW): A treatment works as defined by Section 212 of the Clean Water Act (Public Law 100-4) which is owned by the state or municipality, excluding any sewers or other conveyances not leading to a facility providing treatment.

Semiannually: Twice every year

Significant Industrial Use (SIU): All industrial users subject to Categorical Pretreatment Standards or any industrial user that, unless exempted under Chapter 1, Section 115 of NDEQ Title 119, discharges an average of 25,000 gallons per day or more of process water; or contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any National Pretreatment Standard or requirement.

30-Day Average: Is an effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a calendar month.

Total Toxic Organics (TTO): The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) for toxic organic compounds that may be identified elsewhere in this permit. (If this term has application in this permit, the list of toxic organic compounds will be identified, typically in the Limitations and Monitoring Section(s) and/or in an additional Appendix to this permit.)

Toxic Pollutant: Those pollutants or combination of pollutants, including disease causing agents, after discharge and upon exposure, ingestion, inhalation or assimilation into an organism, either directly from the environment or indirectly by ingestion through food chains will, on the basis of information available to the administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunction (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

Upset: An exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities or improper operation and maintenance or lack thereof.

8.0 References

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Volatile Organic Compounds (VOC): The summation of all quantifiable values greater than 0.01 milligrams per liter (mg/l) for volatile, toxic organic compounds that may be identified elsewhere in this permit. (See the definition for Total Toxic Organics above. In many instances, VOCs are defined as the volatile fraction of the TTO parameter. If the term "VOC" has application in this permit, the list of toxic organic compounds will be identified, typically in the Limitations and Monitoring Section(s) and/or in an additional Appendix to this permit.)

Weekly Average: Is an effluent limitation that cannot be exceeded. It is calculated by averaging any given pollutant parameter monitoring results obtained during a fixed calendar week. The permittee may start their week on any weekday but the weekday must remain fixed. The Department approval is required for any change of the starting day.

"X" Day Average: An effluent limitation defined as the maximum allowable "X" day average of consecutive monitoring results during any monitoring period where "X" is a number in the range of one to seven days.

8.0 References

8.1 NPDES Permit and Fact Sheet

Appendix B – Storm Water Management Program for NDOR

The following tables (1-6) constitute the Storm Water Management Program for NDOR as required in Part III of this NPDES Permit.

The NDOR Storm Water Management Program is included in Section 8.2 of this Work Plan.

8.0 References

8.1 NPDES Permit and Fact Sheet



Nebraska Department
of Environmental Quality

Wastewater Section

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11/21/06

Fact Sheet

Small Municipal Separate Storm Sewer System Discharge Permit
Nebraska Department of Roads
NPDES NE0134015 / PCS 64332-P

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Attachment:

NDOR Municipal Separate Storm Sewer System NPDES Permit Coverage Areas

The NDOR Coverage Area Maps have been included in Section 8.3 of this Work Plan.

8.0 References

8.1 NPDES Permit and Fact Sheet

8.0 References

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A. Proposed Action – Tentative Determination

The Nebraska Department of Environmental Quality (Department) is the regulatory authority responsible for issuing Phase I and Phase II storm water permits to Municipal Separate Storm Sewer Systems (MS4s) in the state according to Title 119 – *Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System*. The Nebraska Department of Roads (NDOR) is a state agency that owns and operates portions of the MS4 located within each of the regulated MS4s identified in Part C of this Fact Sheet.

Permit coverage is required for NDOR according to the Title 119, Chapter 1 111.01 definition of Small Municipal Separate Storm Sewer System (SMS4) which includes systems similar to separate storm sewer systems in municipalities, such as highways and other thoroughfares. The Department, therefore, has required NDOR to obtain coverage under an individual NPDES permit as a regulated SMS4 in accordance with Title 119 Chapter 10 002.01 and 002.10.

On the basis of a preliminary staff review, the Department has made a tentative determination to issue a new NPDES permit to NDOR as a regulated SMS4 authorizing storm water discharges into and through its portion of the MS4 system located fully or partially within an urbanized areas identified in Part C of this Fact Sheet. The list of regulated MS4s is subject to revision by the Department. Any modification to the list of regulated MS4s must be reflected in the coverage authorized by the draft permit. The Department will be responsible for notifying NDOR of any modification to the list of regulated MS4s in Nebraska.

B. Applicant Information

Applicant: Nebraska Department of Roads
Contact Address: Nebraska Department of Roads;
1500 Highway 2; P.O. Box 94759
Lincoln, Nebraska 68509-4759

Standard Industrial Classification (SIC): 9621 - Regulation and Admin. of Transportation Programs

C. Regulated MS4s in Nebraska

The following list of regulated MS4s may be amended at anytime at the discretion of the Department. The draft permit requires that NDOR comply with all permit requirements inside of the physically interconnected MS4s for each of the communities and counties listed below.

Communities			Counties
Beatrice	Grand Island	North Platte	Dakota County
Bellevue	Hastings	Omaha	Douglas County
Boys Town	Kearney	Papillion	Sarpy County
Columbus	La Vista	Ralston	
Dakota City	Lexington	Scottsbluff	
Elkhorn	Lincoln	South Sioux City	
Fremont	Norfolk		

D. Receiving Stream and Water Quality Criteria

Water quality criteria and beneficial uses for each receiving water that NDOR discharges to within the permit coverage area are identified in Title 117 – *Nebraska Surface Water Quality Standards*. Any impairments of these beneficial uses and defined Total Maximum Daily Loads (TMDLs) are identified in the *2006 Surface Water Quality Integrated Report* as published by NDEQ. The draft permit requires that NDOR control the discharge of storm water in a manner that is protective of these water quality criteria and beneficial uses.

8.0 References

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Implementation of the Minimum Control Measures (MCMs) that make up the Storm Water Management Program (SWMP) constitutes compliance with the protection of water quality criteria and beneficial uses according to Title 119, Chapter 10 002.12A.

E. Requirements Proposed in the Draft Permit and Their Basis

1. Part I – Discharges Authorized Under This Permit

Nebraska Department of Roads (NDOR) is seeking NPDES permit coverage for storm water discharges that occur from NDOR property within the permitted limits of all regulated MS4s in the State of Nebraska. The property within regulated MS4 communities that is owned and operated by NDOR, such as highways right-of-ways, maintenance yards, and rest areas, may not be regulated by the local jurisdiction since it is state property. As a regulated SMS4, storm water discharges into and through portions of the urban storm drain system must be controlled in a manner that reduces adverse impacts to water quality and aquatic habitat from activities consistent with the operation and maintenance of property owned and operated by NDOR. The NPDES permit issued to NDOR does not provide coverage for any discharge, including storm water runoff associated with industrial activity or small construction activity as defined in Title 119, Chapter 1 117 and 118 respectively, required to obtain permit coverage in accordance with Title 119, Chapter 2 002.

2. Part II – Resource Requirements

Three of the Minimum Control Measures (MCMs), illicit discharge detection and elimination, construction storm water, and post-construction storm water measures, require enforceable controls on third party activities to ensure successful implementation. NDOR does not have the necessary legal regulatory authority to adopt the enforceable controls required according to Title 119, Chapter 10 002.12C, 002.12D, 002.12E in the same manner as local governments. According to EPA guidance on this subject, NDOR is expected to utilize the authority they do possess, such as specifications, contracts, and policies, and seek cooperative arrangements where necessary and available. This permit requires NDOR to complete a thorough review of their state-wide statutes and operating procedures to determine the most appropriate mechanisms for ensuring the protection of storm water runoff and to make amendments wherever necessary.

NDOR is responsible for the full implementation of the NPDES permit and associated Storm Water Management Program (SWMP). The unjustified lack of resources is not an acceptable condition for reduced enforcement of non-compliance with permit conditions.

The permit allows NDOR to share their responsibilities for implementing any of the minimum control measures according to the limitations specified in Title 119, Chapter 10 002.12L. Reliance on other entities to fulfill permit requirements must be clearly communicated to the Department. The ability to share responsibility does not give NDOR the right to take credit for activities conducted by adjacent, regulated MS4 communities unless NDOR has expressly become a partner in the implementation of those activities. Assurance that all permit requirements are met is the ultimate responsibility of NDOR.

3. Part III - Storm Water Management Program (SWMP)

The draft permit requires NDOR to implement the SWMP set forth in Appendix B. The SWMP requirements are consistent with Title 119, Chapter 10 002.12A and include the six minimum control measures required of SMS4s set forth in Title 119, Chapter 10 002.12B through 002.12F and 40 CFR Part 122.34(b)(2). The SWMP contains the background, rationale, and appropriate Best Management Practices (BMPs) for each of the MCMs.

For purposes of implementing a SWMP to the Maximum Extent Practicable (MEP), EPA published guidance in the Federal Register, Volume 64, Number 235, Part II(H)(3)(a)(ii). Compliance with the conditions of the NPDES permit and the series of steps associated with identification and implementation

8.0 References

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of the MCMs will satisfy the MEP standard. Implementation of the MEP standard will typically require the Permittee to develop and implement appropriate BMPs to satisfy each of the required six MCMs.

EPA has intentionally not provided a precise definition of MEP to allow maximum flexibility in MS4 permitting. If, after implementing the six MCMs, there are still water quality impairment associated with discharges from the MS4, after successive permit terms the Permittee will need to expand or better tailor its BMPs within the scope of the six MCMs for each subsequent permit term. EPA envisions that this process may take two to three permit terms.

The requirement to create an evaluation program is based on 40 CFR 122.34(g). At a minimum, the draft permit requires that NDOR create an evaluation program to assess permit compliance, the appropriateness of the identified BMPs, and progress towards achieving identified measurable goals. The plan for evaluation must be submitted to the Department with the first annual report and followed accordingly in subsequent years. The use of information from reliable sources and the sharing of data collected are encouraged at all times. Data used to justify compliance with the draft permit, regardless of the source, must be submitted with the annual report. Although specific monitoring is not required as part of the permit, the Department may require monitoring at a later date in accordance with a monitoring plan appropriate within a watershed, such as the case with a TMDL.

4. Part IV –Storm Water Reporting and Recordkeeping Requirements

Title 119, Chapter 10 002.12K2 and Chapter 15 001.03 requires an annual report be submitted to the Department. The annual report is to provide a periodic review of permit compliance and assessment of the SWMP in protecting water quality. The annual reports are due 90 days after each permit year ends to allow NDOR to compile all pertinent information and prepare the report. All information collected that is coordinated with other agencies must be reported with this annual report. The record availability requirements comply with Title 119 Chapter 10 002.12K1 and outlines what records must be made available.

5. Part V - Amendment Procedures and Requirements

The draft permit language provides the statutory framework for NDOR to meet storm water discharge requirements. Revisions to the permit are required to comply with Title 119, Chapter 24.

The draft permit contains provisions for making mutually agreeable changes to the SWMP and evaluation program as long as the proposed changes are not less stringent than state and federal requirements. It is anticipated that improvements to these SWMP and method of evaluating permit compliance will be recognized as implementation experience is gained. This part would allow efficient implementation of such changes.

6. Part VI – Definitions

This part sets forth definitions for terms used (or potentially used) in the permit. Some of the definitions may be part of a list included in all NPDES permits (refer to Appendix A of the draft permit) and thus may not be used within the draft permit.

7. Part VII - Abbreviations

This part defines abbreviations used (or potentially used) in the permit.

8. Appendix A: Standard Conditions

This part includes the requirements set forth in 40 CFR Part 122.41 (i.e., *Conditions Applicable to All Permits*) and throughout NDEQ Title 119.

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9. Appendix B: NDOR - Storm Water Management Program

This is a description of the SWMP that the NDOR will be required to implement pursuant to Part III of the draft permit.

F. Supporting Documentation

The following documents and regulations were considered in the preparation of the draft permit, while supporting documentation for the SWMP is specifically identified in Appendix B as necessary:

1. NDEQ Title 117 – Nebraska Surface Water Quality Standards (Revised December 31, 2002);
2. NDEQ Title 119 – Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System (Revised May 16, 2005);
3. 40 CFR, Part 122, 124 and 125 Regulations;
4. Federal Register, Volume 64, Number 235, Wednesday, December 8, 1999, Rules and Regulations Part II(H)(3)(a)(ii);
5. EPA 833-F-00-001, Fact Sheet 1.0 *Stormwater Phase II Final Rule: An Overview*, January 2005;
6. EPA 833-F-00-012, Fact Sheet 2.10 *Stormwater Phase II Final Rule: Federal and State-Operated MS4s: Program Implementation*, January 2005.

G. Information Requests

Inquiries concerning the draft permit, its basis or the public comment process may be directed to:

Sharon Brunke
Tel. 402/471-8830 or 402/471-4220
Fax: 402/471-2909
A TDD operator is available at 711.

Copies of the application and other supporting material used in the development of the permit are available for review and copying at the Department's office between 8:00 a.m. and 5:00 p.m. on weekdays.

Office Location:

Nebraska Department of Environmental Quality
The Atrium, 1200 N Street, Suite 400;
Lincoln, Nebraska 68509-8922

Mailing Address:

Nebraska Department of Environmental Quality
P.O. Box 98922
Lincoln, Nebraska 68509-8922

8.0 References

8.1 NPDES Permit and Fact Sheet

Fact Sheet for NPDES Permit NE0134015
Nebraska Department of Roads

November 21, 2006
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H. Submission of Formal Comments or Requests for Hearing

The date on which the public notice period ends is specified in the public notice. During the public notice period, the public may submit formal comments or objections, and/or petition the Department to hold a public hearing concerning the issuance of the draft permit. All such requests need to be submitted in written form, state the nature of the issues to be raised, and present arguments and factual grounds to support them. The Department shall consider all written comments, objections and/or hearing petitions, received during public comment period in making a final decision regarding permit issuance.

Formal comments, objections and/or hearing requests need to be submitted to:

Sharon Brunke; NPDES Permits Unit

Office Location:

Nebraska Department of Environmental Quality
The Atrium, 1200 N Street, Suite 400;
Lincoln, Nebraska 68509

Mailing Address:

Nebraska Department of Environmental Quality
P.O. Box 98922
Lincoln, Nebraska 68509-8922



Section 8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

STORM WATER MANAGEMENT PROGRAM DEVELOPMENT

NDOR utilized consultant services to develop the SWMP which was submitted to NDEQ as Appendix B of the final draft NPDES Permit. It is included below. The SWMP is substantially less detailed than the information in Section 2.0 of this Work Plan, but it was created to meet the minimum federal and state requirements for a SWMP. The minimum requirements include documentation of:

- ▶ Each MCM that must be met to the Maximum Extent Practicable.
- ▶ The measurable activities that will be used to demonstrate accomplishment of each MCM to NDEQ.
- ▶ The individuals responsible for ensuring that the measurable activities are conducted.
- ▶ The series of milestones (annual) that will be met to ensure the measurable activity will be accomplished by the end of the Permit term.

Development of the SWMP and the details in Section 2.0 was conducted as an iterative process at the same time the draft Permit was being developed. The primary objective for NDOR was to ensure that the SWMP met all the minimum requirements of the draft Permit. A second objective was to get NDOR employees involved in the development and implementation process. Both objectives have been met.

Initial recommendations were developed for each of the six MCMs. These recommendations were discussed during breakout meetings that involved more than 40 NDOR employees. During these meetings, a Champion was selected for each MCM that would coordinate internal participation in finalizing the SWMP. The Champions worked with the consultant to document logistical strategies that would be used to accomplish the commitments to the SWMP. The strategies are included in Section 2.0 of this Work Plan.

Any modification of the details in the SWMP must be authorized by NDEQ according to the terms and conditions outlined in the Permit. The details included in Section 2.0 of this Work Plan were not included in the SWMP for two reasons. First, they are not required by NDEQ and merely reflect internal NDOR strategies to comply with the SWMP. Second, the modification of internal NDOR strategies will not require authorization by NDEQ if the documented details of the SWMP remain unchanged. This provides NDOR with maximum flexibility in meeting the terms of the Permit and SWMP.

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

STORM WATER MANAGEMENT PROGRAM DEVELOPMENT

NDOR utilized consultant services to develop the SWMP which was submitted to NDEQ as Appendix B of the final draft NPDES Permit. It is included below. The SWMP is substantially less detailed than the information in Section 2.0 of this Work Plan, but it was created to meet the minimum federal and state requirements for a SWMP. The minimum requirements include documentation of:

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- ▶ The measurable activities that will be used to demonstrate accomplishment of each MCM to NDEQ.
- ▶ The individuals responsible for ensuring that the measurable activities are conducted.
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8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 1.1(a)		NPDES Permit Part III.B.1
You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.		
Measurable Activity: Develop and distribute guidance materials on reducing storm water impacts to water bodies.		
Participating NDOR Sections		Lead: Communication Human Resources Planning/Environmental Construction GIS Roadway Design
Year One	<ul style="list-style-type: none">▶ Review available storm water education materials.▶ Assess/inventory additional guidance needs.▶ Update NDOR website to include Storm Water information.▶ Investigate feasibility of having curb inlet suppliers stamp the “No Dumping” symbols on the pieces during the manufacturing.	
Year Two	<ul style="list-style-type: none">▶ Incorporate additional information into existing material.▶ Develop new material, if necessary.	
Year Three	<ul style="list-style-type: none">▶ Identify mechanisms to disseminate material.	
Year Four and Five	<ul style="list-style-type: none">▶ Revise and update material as needed.	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 1.1(b)		NPDES Permit Part III.B.1	
You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.			
Measurable Activity: Provide training on reducing storm water impacts to water bodies.			
Participating NDOR Sections		<div>▶ Lead: Communication</div> <div>Human Resources</div> <div>Planning/Environmental</div> <div>Construction</div> <div>GIS</div> <div>▶ Roadway Design</div>	
Year One	<div>▶ Assess existing training opportunities.</div> <div>▶ Identify additional training needs.</div> <div>▶ Track existing training.</div>		
Year Two	<div>▶ Develop preliminary training matrix and schedule.</div> <div>▶ Formulate an erosion and sediment control certification course.</div> <div>▶ Continue to track existing training.</div>		
Year Three	<div>▶ Modify and create storm water training modules, as needed.</div> <div>▶ Revise preliminary training matrix and schedule, as needed.</div> <div>▶ Initiate an erosion and sediment control certification course.</div> <div>▶ Continue to track existing training.</div>		
Year Four and Five	<div>▶ Provide training modules; revise and update material as needed.</div> <div>▶ Continue to track existing training and certification.</div>		

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 1.1(c)		NPDES Permit Part III.B.1	
You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.			
Measurable Activity: Participate in local and regional outreach efforts.			
Participating NDOR Sections		▶ Lead: Communication	
		Human Resources	
		Planning/Environmental	
		Construction	
		GIS	
		▶ Roadway Design	
Year One	▶ Identify local and regional outreach agencies and MS4 facilities.		
Year Two	<ul style="list-style-type: none">▶ Coordinate with agencies and facilities, as needed.▶ Develop mechanisms to receive and track public feedback.▶ If feasible, establish specifications to implement and identify suppliers.		
Year Three	<ul style="list-style-type: none">▶ Coordinate with agencies and facilities, as needed.▶ Implement feedback mechanisms.▶ If feasible, require permanent stamp for all new inlets.▶ If feasible, report annually on the number installed.		
Year Four and Five	<ul style="list-style-type: none">▶ Evaluate, revise and update based on needs and feedback from the public.▶ If feasible, report annually on the number installed.		

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 2.1(a)		NPDES Permit Part III.B.2	
You must at a minimum, comply with state and local public notice requirements when implementing a public involvement/participation program.			
Measurable Activity: Continue to follow established public participation policies and procedures for NDOR projects.			
Participating NDOR Sections		▶ Lead: Communication	
		Human Resources	
		Planning/Environmental	
		Construction	
		GIS	
		▶ Roadway Design	
Year One through Five	▶ Continue to follow established Public Participation Policies and Procedures for NDOR Projects.		
	▶ Review and modify as needed		

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 2.1(b)		NPDES Permit Part III.B.2	
You must at a minimum, comply with state and local public notice requirements when implementing a public involvement/participation program.			
Measurable Activity: Engage public in environmental stewardship programs such as Adopt-A-Highway and Wetlands Bank Education.			
Participating NDOR Sections		▶ Lead: Communication	
		Human Resources	
		Planning/Environmental	
		Construction	
		GIS	
		▶ Roadway Design	
Year One	▶ Review existing environmental stewardship programs.		
Year Two	▶ Propose modifications or additional programs as needed.		
Year Three	▶ Implement modifications or additional programs as needed.		
Year Four and Five	▶ Review and evaluate effectiveness of programs.		

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 2.1(c)		NPDES Permit Part III.B.2	
You must at a minimum, comply with state and local public notice requirements when implementing a public involvement/participation program.			
Measurable Activity: Develop a process for tracking public involvement in environmental stewardship programs.			
Participating NDOR Sections		▶ Lead: Communication	
		Human Resources	
		Planning/Environmental	
		Construction	
		GIS	
		▶ Roadway Design	
Year One	▶ Establish tracking mechanisms.		
Year Two	▶ Implement tracking process.		
Year Three, Four, and Five	▶ Review and revise tracking process as needed.		

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 2.1(d)		NPDES Permit Part III.B.2	
You must at a minimum, comply with state and local public notice requirements when implementing a public involvement/participation program.			
Measurable Activity: Develop and maintain standard language for Engineering Statements to reference project commitments to protect water quality.			
Participating NDOR Sections		<div>▶ Lead: Roadway Design</div> <div>Communication</div> <div>Planning/Environmental</div> <div>▶</div>	
Year One	▶ Review standard materials and propose modifications to standard language.		
Year Two	▶ Adopt modifications to standard language.		
Year Three, Four, and Five	▶ Review and evaluate effectiveness of standard language.		

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 3.1(a)		NPDES Permit Part III.B.3.a
Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the state that receive discharges from those outfalls		
Measurable Activity: Develop map showing the location of all outfalls and the names and location of all waters of the state that receive discharges from those outfalls.		
Participating NDOR Sections		<p>► Lead: Operations</p> <p>GIS</p> <p>Planning/Environmental</p> <p>Right-of-Way</p> <p>Construction</p> <p>Roadway Design</p> <p>Utilities</p>
Year One	<p>► Collect all existing outfall information from available sources.</p> <p>► Prioritize MS4 areas for outfall inventory.</p>	
Year Two	► Establish framework for data collection of outfall inventory	
Year Three	► Complete mapping for two NDOR Districts, beginning with priority area.	
Year Four	► Complete mapping for two additional NDOR Districts.	
Year Five	<p>► Complete mapping for final two NDOR Districts.</p> <p>► Update maps as needed.</p>	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 3.2(a)		NPDES Permit Part III.B.3.b
To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions		
Measurable Activity: Develop controls to prohibit non-stormwater discharges to NDOR MS4.		
Participating NDOR Sections		<div>▶ Lead: Operations</div> <div>Planning/Environmental</div> <div>Government Affairs</div>
Year One	▶ Review existing controls.	
Year Two	▶ Propose amendments to existing controls as needed.	
Year Three	▶ Finalize amendments to controls.	
Year Four	▶ Implement controls.	
Year Five	▶ Review and evaluate effectiveness of controls; update as needed.	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 3.2(b)		NPDES Permit Part III.B.3.b
To the extent allowable under State or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions		
Measurable Activity: Develop and implement process to coordinate with adjacent MS4 communities to remove illicit discharges that flow through an NDOR outfall, but are not the result of an NDOR activity.		
Participating NDOR Sections		<div>▶ Lead: Operations</div> <div>Planning/Environmental</div> <div>Government Affairs</div>
Year One	▶ Draft process to coordinate with adjacent MS4 communities.	
Year Two	▶ Finalize process to coordinate with adjacent MS4 communities.	
Year Three	▶ Implement coordination process with adjacent MS4 communities.	
Year Four and Five	▶ Review and update process, as needed. .	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 3.3(a)		NPDES Permit Part III.B.3.c and e	
Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to your system			
and			
Address the specific categories of non-storm water discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your SMS4			
Measurable Activity: Develop and implement Illicit Discharge Detection and Elimination Plan.			
Participating NDOR Sections		<div>▶ Lead: Planning/Environmental Operations</div> <div>District Engineer</div> <div>Right-of-Way</div> <div>Communication</div> <div>Roadway Design</div>	
Year One and Two	<div>▶ Develop Outfall Screening/ Inventory Program or review existing Outfall Screening/ Inventory Program guidance.</div> <div>▶ Develop Dry Weather Screening Program or review existing Dry Weather Screening Program guidance.</div>		
Year Three, Four, and Five	<div>▶ Conduct field screening for illicit discharges at high risk outfalls and all newly mapped outfalls within the MS4 boundary.</div> <div>▶ Review plans for potential illicit discharges from all new connections to NDOR drainages within the MS4 boundary.</div> <div>▶ Take actions necessary to remove illicit discharges</div> <div>▶ Evaluate and revise IDDE Plan, as needed. Implement changes</div>		

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 3.4(a)		NPDES Permit Part III.B.3.d
Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste		
Measurable Activity: Evaluate need to update and implement adequate NDOR internal policy, guidance, and manuals.		
Participating NDOR Sections		▶ Lead: Communication Planning/Environmental
Year One	<ul style="list-style-type: none">▶ Review available storm water education materials.▶ Assess/ inventory additional guidance needs.▶ Identify opportunities to partner with and share public education materials	
Year Two	<ul style="list-style-type: none">▶ Incorporate additional information into existing material.▶ Develop additional training materials.▶ Identify mechanisms to disseminate material	
Year Three	<ul style="list-style-type: none">▶ Disseminate education material.	
Year Four	<ul style="list-style-type: none">▶ Evaluate program; revise education material, as needed.	
Year Five	<ul style="list-style-type: none">▶ Implement program changes; re-evaluate/ revise annually.	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 4.1(a)		NPDES Permit Part III.B.4.a
Develop an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law		
Measurable Activity: Update existing Specifications and manuals to include erosion and sediment control sanction and implement to ensure compliance.		
Participating NDOR Sections		► Lead: Construction Planning/Environmental Roadway Design
Year One	<ul style="list-style-type: none">► Review existing Specifications to include Contractor rating mechanism for future project bids.► Review Drainage Design and Erosion Control Manual.► Review existing Specifications to require erosion and sediment controls.► Consider Specification for Water Quality.	
Year Two	<ul style="list-style-type: none">► Propose amendments to existing Specifications and manuals, as needed.	
Year Three	<ul style="list-style-type: none">► Finalize amendments.	
Year Four	<ul style="list-style-type: none">► Implement Specifications.	
Year Five	<ul style="list-style-type: none">► Review and evaluate effectiveness of Specifications;► Update as needed.	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 4.2(a)		NPDES Permit Part III.B.4.b
Develop requirements for construction site operators to implement appropriate erosion and sediment control best management practices		
Measurable Activity: Require construction site operators to implement erosion and sediment control practices.		
Participating NDOR Sections		► Lead: Construction Planning/Environmental Communication
Year One	► Develop Erosion/Sediment Control Certification Program. ► Create an internal Compliance Technical Advisory Group.	
Year Two	► Implement Training and Certification Program. ► Implement Compliance Technical Advisory Group. ► Develop quick reference/pocket guide.	
Year Three	► Implement Training and Certification Program; revise as needed. ► Distribute quick reference/pocket guide.	
Year Four and Five	► Implement Training and Certification Program; revise as needed. ► Update/ revise guide as needed.	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 4.3(a)		NPDES Permit Part III.B.4.c
Develop procedures for site plan review which incorporate consideration of potential water quality impacts.		
Measurable Activity: Develop and implement procedures for site plan review to include consideration of water quality impacts.		
Participating NDOR Sections		Lead: Planning/Environmental Construction
Year One	<ul style="list-style-type: none">▶ Review existing Standard Plans for erosion and sediment control.▶ Review SWPPP template.	
Year Two	<ul style="list-style-type: none">▶ Develop Erosion Control (Standard) Plan checklist for contractor.▶ Develop SWPPP checklist for internal NDOR Environmental and Design review.	
Year Three	<ul style="list-style-type: none">▶ Implement checklist and procedures.	
Year Four and Five	<ul style="list-style-type: none">▶ Update/ revise as needed.	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 4.4(a)		NPDES Permit Part III.B.4.d
Develop procedures for site inspection and enforcement of control measures.		
Measurable Activity: Develop and implement site inspection process.		
Participating NDOR Sections		Lead: Construction Planning/Environmental
Year One	▶ Review existing site inspection tracking and enforcement procedures.	
Year Two	▶ Develop procedures and prioritization criteria for Compliance Technical Advisory Group site inspections.	
Year Three	▶ Propose amendments to existing site inspection tracking and enforcement procedures.	
Year Four	▶ Finalize procedures.	
Year Five	▶ Implement procedures; revise as necessary.	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 4.4(b)		NPDES Permit Part III.B.4.d
Develop procedures for site inspection and enforcement of control measures.		
Measurable Activity: Develop and implement site inspection process.		
Participating NDOR Sections		Lead: Construction Planning/Environmental
Year One	▶ Review existing site inspection tracking and enforcement procedures.	
Year Two	▶ Develop procedures and prioritization criteria for Compliance Technical Advisory Group site inspections.	
Year Three	▶ Propose amendments to existing site inspection tracking and enforcement procedures.	
Year Four	▶ Finalize procedures.	
Year Five	▶ Implement procedures; revise as necessary.	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 5.1(a)		NPDES Permit Part III.B.5.a
Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the NDOR MS4.		
Measurable Activity: Develop and implement procedures for site plan review to include consideration of water quality impacts.		
Participating NDOR Sections		Lead: Construction Planning/Environmental Operations Roadway Design
Year One	<ul style="list-style-type: none">▶ Create an internal Compliance Technical Advisory Group.▶ Review existing design process for BMP selection and design.▶ Review existing Specifications to include structural and/or non-structural BMP implementation.▶ Review Roadway Design Manual, Manual of Maintenance Procedure, and/or Drainage Design and Erosion Control Manual.	
Year Two	<ul style="list-style-type: none">▶ Propose amendments to existing Specifications and manuals, as needed.	
Year Three	<ul style="list-style-type: none">▶ Finalize amendments.	
Year Four	<ul style="list-style-type: none">▶ Implement amendments to Specifications and manuals.	
Year Five	<ul style="list-style-type: none">▶ Review and evaluate effectiveness of Specifications and manuals;▶ Update as needed.	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 5.1(b)		NPDES Permit Part III.B.5.a
Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the NDOR MS4.		
Measurable Activity: Establish cooperative effort to coordinate both planning and design of structural and non-structural BMPs.		
Participating NDOR Sections		Lead: Construction Planning/Environmental Operations Roadway Design
Year One	<ul style="list-style-type: none">▶ Review local Specifications, manuals, and ordinances for inclusion of structural and/or non-structural BMP implementation.▶ Evaluate opportunities to coordinate with other local agencies.	
Year Two	<ul style="list-style-type: none">▶ Propose amendments to NDOR Specifications and manuals to incorporate local agency procedure for structural and/or non-structural BMP implementation, as needed.	
Year Three	<ul style="list-style-type: none">▶ Finalize amendments.	
Year Four	<ul style="list-style-type: none">▶ Implement amendments to Specifications and manuals.	
Year Five	<ul style="list-style-type: none">▶ Review and evaluate effectiveness of Specifications and manuals;▶ Update as needed.	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 5.2(a)		NPDES Permit Part III.B.5.b
Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law.		
Measurable Activity: Update existing Specifications, manuals, and Standard Plans to address post-construction storm water runoff from new development and redevelopment projects and implement to ensure compliance.		
Participating NDOR Sections		Lead: Construction Planning/Environmental Operations Roadway Design
Year One	<ul style="list-style-type: none">▶ Review existing design process for BMP selection and design.▶ Review existing Specifications to include structural and/or non-structural BMP implementation.▶ Review Roadway Design Manual, Manual of Maintenance Procedure, and/or Drainage Design and Erosion Control Manual	
Year Two	<ul style="list-style-type: none">▶ Propose amendments to existing Specifications, manuals, Standard Plans and as needed.	
Year Three	<ul style="list-style-type: none">▶ Finalize amendments.	
Year Four	<ul style="list-style-type: none">▶ Implement amendments to Specifications, manuals, and Standard Plans.	
Year Five	<ul style="list-style-type: none">▶ Review and evaluate effectiveness of Specifications, manuals and Standard Plans▶ Update as needed	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 5.3(a)		NPDES Permit Part III.B.5.c
Ensure adequate long-term operation and maintenance of BMPs.		
Measurable Activity: Develop tracking of BMP maintenance activities.		
Participating NDOR Sections		Lead: Operations Planning/Environmental Roadway Design
Year One	<ul style="list-style-type: none">▶ Evaluate existing Enterprise Asset Management database.▶ Evaluate existing process to identify structural BMPs and maintenance routines.	
Year Two	<ul style="list-style-type: none">▶ Propose updates to Enterprise Asset Management database, as needed.▶ Revise process to identify new structural BMPs and routine maintenance needs.▶ Work Group to evaluate maintenance needs of existing designs (staffing, equipment, & budget).	
Year Three	<ul style="list-style-type: none">▶ Identify/verify existing BMP data as needed.▶ Begin tracking new BMPs.▶ Revise maintenance scheduling for BMPs as needed.	
Year Four	<ul style="list-style-type: none">▶ Implement process to track new BMPs.▶ Monitor maintenance procedures in relation to BMP functionality.	
Year Five	<ul style="list-style-type: none">▶ Develop quick reference/pocket guide for BMP maintenance.▶ Revise maintenance scheduling for BMPs, as needed.	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 6.1(a)		NPDES Permit Part III.B.6	
Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of reducing pollutant runoff from NDOR operations.			
Measurable Activity: Perform internal evaluation of NDOR maintenance operations.			
Participating NDOR Sections		Lead: Operations	
		Human Resources	
		Planning/Environmental	
		GIS	
		Construction	
Year One	<ul style="list-style-type: none">▶ Develop inventory of maintenance facilities.▶ Evaluate maintenance facilities in two Districts.		
Year Two	<ul style="list-style-type: none">▶ Evaluate maintenance facilities in two additional Districts.		
Year Three	<ul style="list-style-type: none">▶ Evaluate maintenance facilities in two additional Districts.		
Year Four	<ul style="list-style-type: none">▶ Develop schedule of ongoing evaluations of maintenance facilities.		
Year Five	<ul style="list-style-type: none">▶ Implement schedule of internal evaluations.		

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 6.1(b)		NPDES Permit Part III.B.6
Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of reducing pollutant runoff from NDOR operations.		
Measurable Activity: Develop and implement Operation and Maintenance Standard Operating Procedures (SOPs) for reducing pollutants in storm water runoff from NDOR operations.		
Participating NDOR Sections		Lead: Operations Human Resources Planning/Environmental GIS Construction
Year One	▶ Review & evaluate existing maintenance SOPs.	
Year Two	▶ Propose amendments to existing SOPs as needed.	
Year Three	▶ Incorporate amendments into existing SOPs, as needed.	
Years Four and Five	▶ Review and evaluate effectiveness of SOPs, as needed.	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 6.1(c)		NPDES Permit Part III.B.6	
Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of reducing pollutant runoff from NDOR operations.			
Measurable Activity: Establish and implement process to track permanent BMPs.			
Participating NDOR Sections		Lead: Operations Human Resources Planning/Environmental GIS Construction	
Year One	<ul style="list-style-type: none">▶ Evaluate existing databases.▶ Evaluate existing process to identify existing structural BMP and maintenance routines.		
Year Two	<ul style="list-style-type: none">▶ Propose updates to database, as needed.▶ Revise process to identify new structural BMP and routine maintenance needs.		
Years Three, Four, and Five	<ul style="list-style-type: none">▶ Monitor identification process and modify as needed.		

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 6.1(d)		NPDES Permit Part III.B.6	
Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of reducing pollutant runoff from NDOR operations.			
Measurable Activity: Ensure existing maintenance agreements between NDOR and MS4 communities address the goal of reducing pollutant runoff from NDOR operations.			
Participating NDOR Sections		Lead: Operations	
		Human Resources	
		Planning/Environmental	
		GIS	
		Construction	
Year One	▶ Review existing maintenance agreements and Statutes.		
Year Two	▶ Propose amendments to maintenance agreements and Statutes, as needed.		
Year Three	▶ Incorporate amendments to maintenance agreements and Statutes, as needed.		
Year Four and Fiver	▶ Review and evaluate effectiveness of maintenance agreements and Statutes.		

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)

MCM 6.1(e)		NPDES Permit Part III.B.6
Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of reducing pollutant runoff from NDOR operations.		
Measurable Activity: Develop and distribute Quick Reference Guides for maintenance employees regarding storm water responsibilities.		
Participating NDOR Sections	Lead: Operations Human Resources Planning/Environmental GIS Construction	
Year One	▶ Review existing storm water education materials.	
Year Two	▶ Incorporate additional information into existing materials, if available, to include new storm water information. ▶ Develop Quick Reference Guides for operations staff on storm water responsibilities, as needed.	
Year Three	▶ Distribute Quick Reference Guides.	
Year Four and Five	▶ Review and update Quick Reference education materials, as needed.	

8.0 References

8.2 NDOR Storm Water Management Program (SWMP)



Section 8.0 References

8.3 NDOR Coverage Area

8.0 References

8.3 NDOR Coverage Area

DESIGNATION OF REGULATED BOUNDARIES

The Phase II NPDES permit for NDOR provides authorizations for storm water discharges within a defined coverage area. Questions have arisen on multiple occasions about where the limits of the coverage area extend to. Figures 8-2 through 8-24 of this Section of the Work Plan depict the current limits of coverage for the MS4 Permit issued to NDOR. The rationale behind these limits is discussed below and is based on the Storm Water Phase II Compliance Assistance Guide published by EPA in 2000¹.

Criteria

NDOR is required to meet the NPDES Permit requirements as an MS4 based on two defining criteria. First, entities in control of any portion of the storm drain system within an **Urbanized Area** (UA) must obtain coverage. Coverage and Permit requirements for NDOR are applicable within the boundary of these UAs. Secondly, small MS4s are regulated based on a selection of criteria including minimum population (10,000), known pollutant loading, growth rate, and others. NDOR does not meet those selection criteria, but they are in control of conveyances or systems of conveyances which are **Physically Interconnected** with each of the regulated small MS4s in Nebraska (Table 8-1) and are therefore covered within the boundaries of these communities.

Definitions

Urbanized Areas are defined as the land area comprising one or more places – central place(s) – and the adjacent densely settled surrounding area – urban fringe – that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile. It is a calculation used by the Bureau of the Census to determine the geographic boundaries of the most heavily developed and dense urban areas.

The State of Nebraska contains the Omaha and Lincoln UAs. Also, the UA for Sioux City, Iowa extends across the state boundary into Nebraska. Where UAs extend into county area on the urban fringe, only the portion of the county that is within the boundary of the UA is regulated. As such, NDOR is not regulated throughout Douglas, Sarpy, and Dakota Counties, only the portions within the UA boundary not covered by the other communities within those boundaries are regulated.

Physically Interconnected - in relation to the NPDES Permit for NDOR - means that one MS4 is connected to a second MS4 in such a way that it allows for direct discharges into the second system. Typically, physically interconnected MS4s are maintained by separate and autonomous governments that do not regulate each other. This is the case with NDOR within adjacent MS4s.

¹ <http://www.epa.gov/npdes/pubs/comguide.pdf>

8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

Municipal Separate Storm Sewer Systems (MS4s) are simply conveyances or systems of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains. The regulated MS4s in Nebraska (Table 8-1) have obtained coverage under an NPDES permit from NDEQ based on any of the criteria listed above.

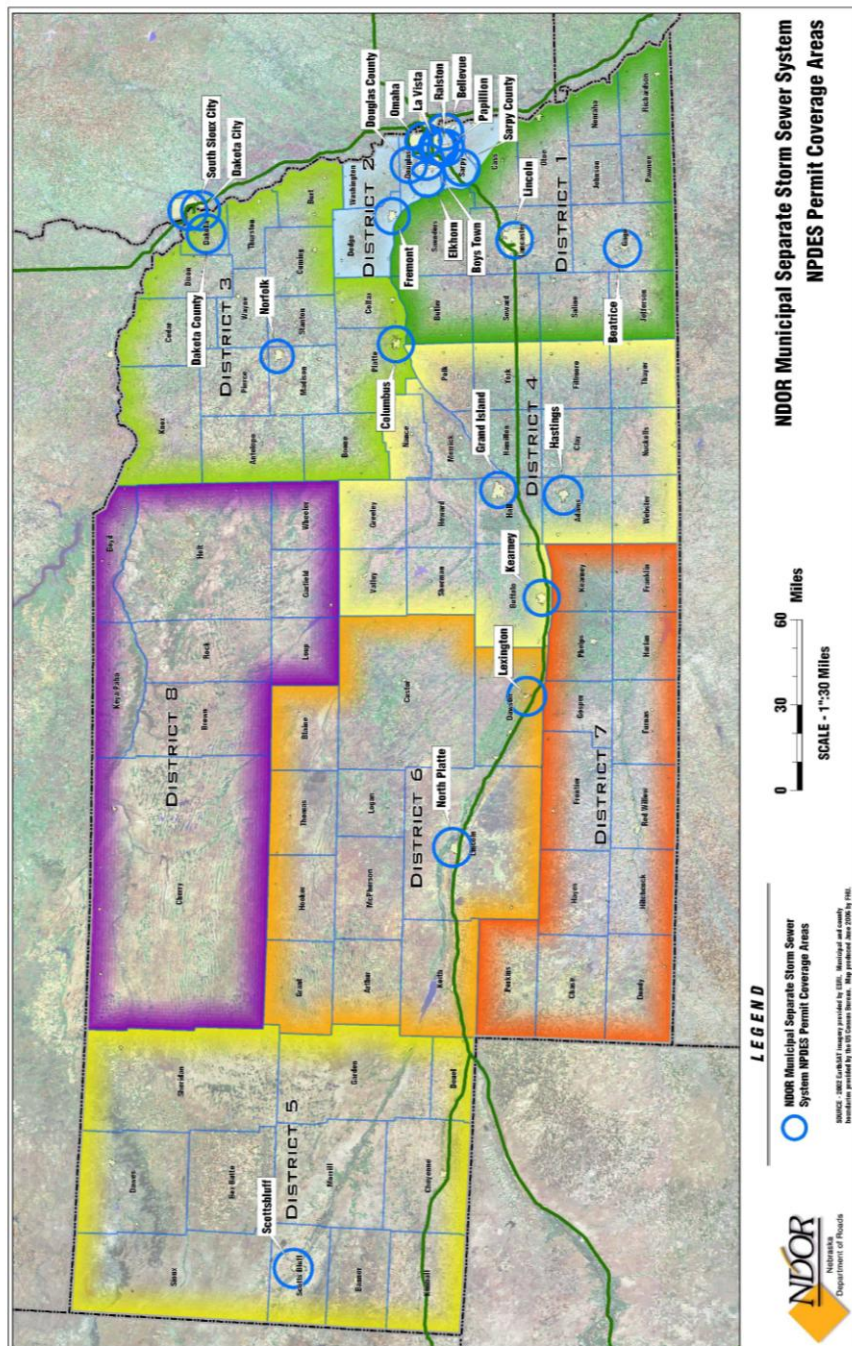
Table 8-1 Regulated MS4s in Nebraska

Beatrice	Grand Island	North Platte	Dakota County
Bellevue	Hastings	Omaha	Douglas County
Boys Town	Kearney	Papillion	Sarpy County
Columbus	La Vista	Ralston	
Dakota City	Lexington	Scottsbluff	
Elkhorn	Lincoln	South Sioux City	
Fremont	Norfolk		

8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

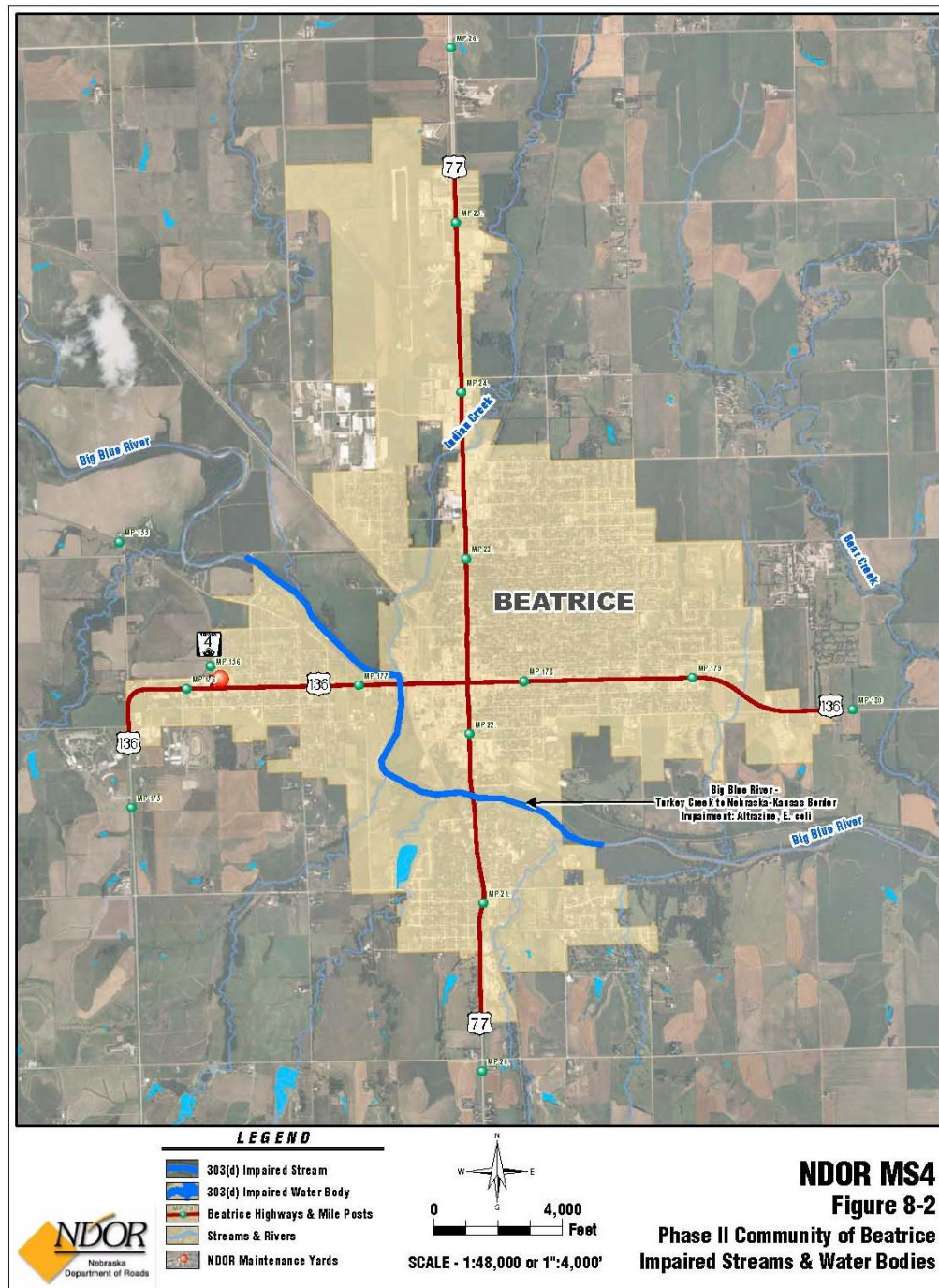
Figure 8-1 NDOR MS4 Permit Coverage Areas



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

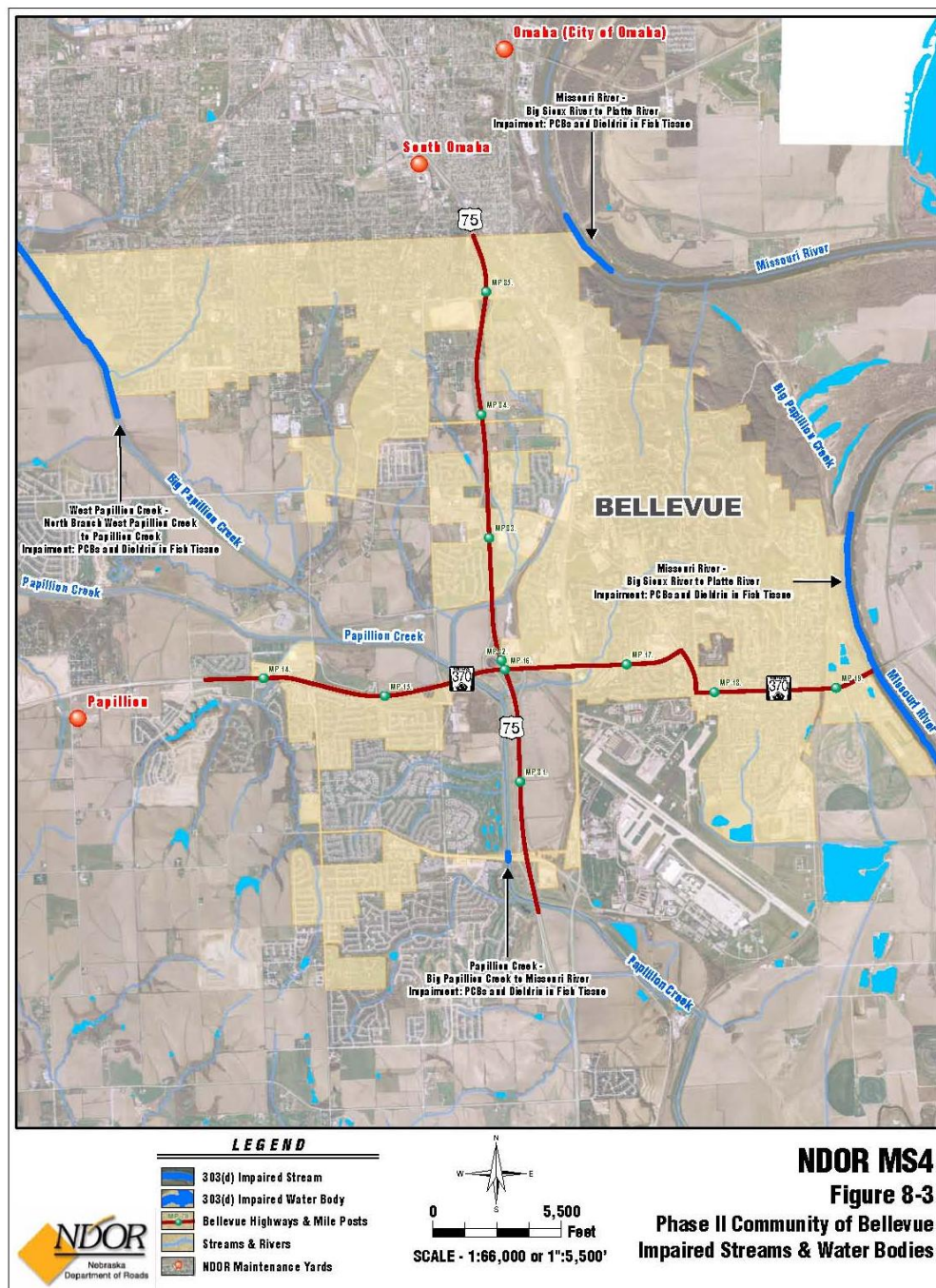
Figure 8-2 Phase II Community of Beatrice



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

Figure 8-3 Phase II Community of Bellevue



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

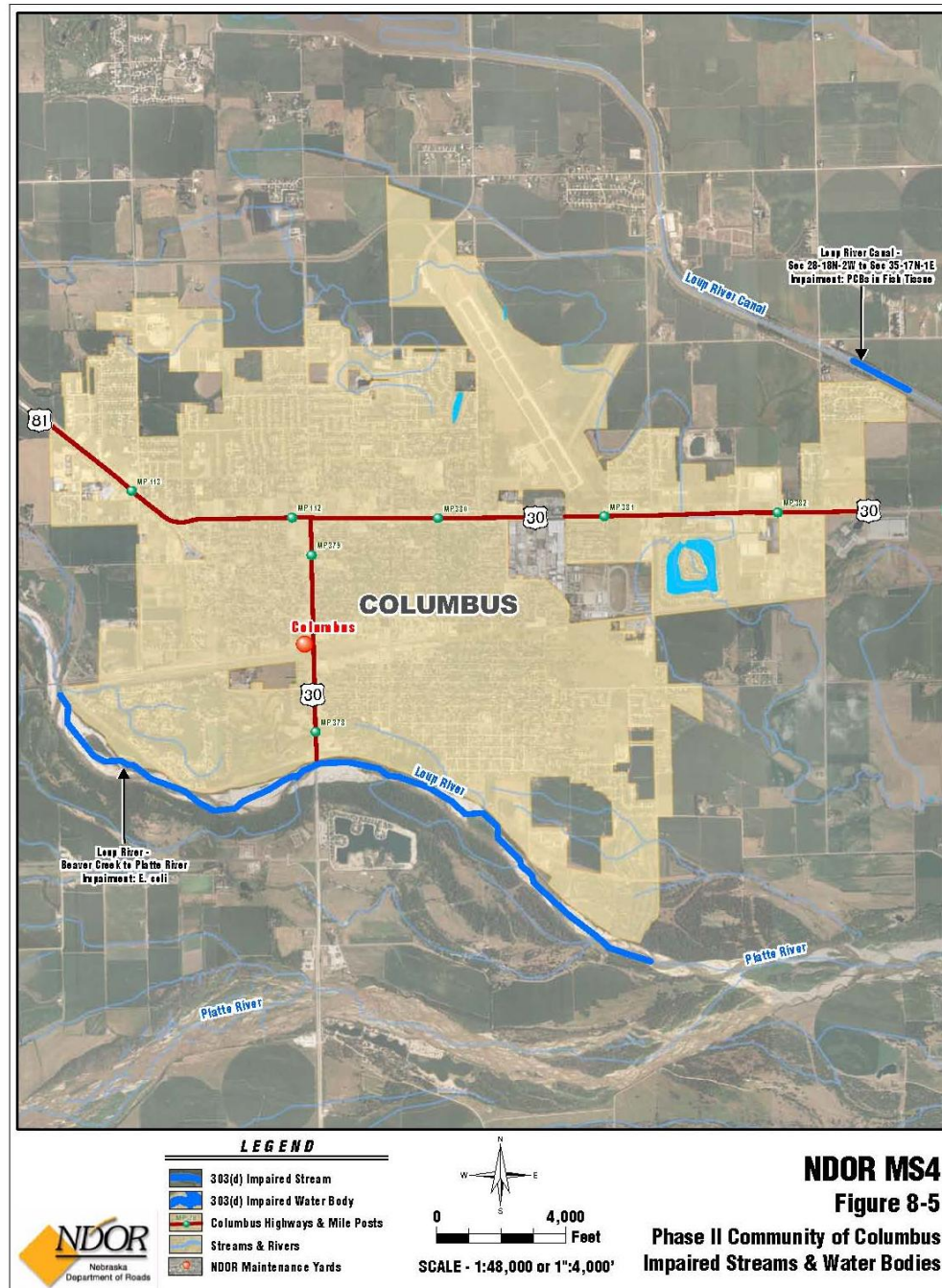
Figure 8-4 Phase II Community of Boys Town



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

Figure 8-5 Phase II Community of Columbus



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

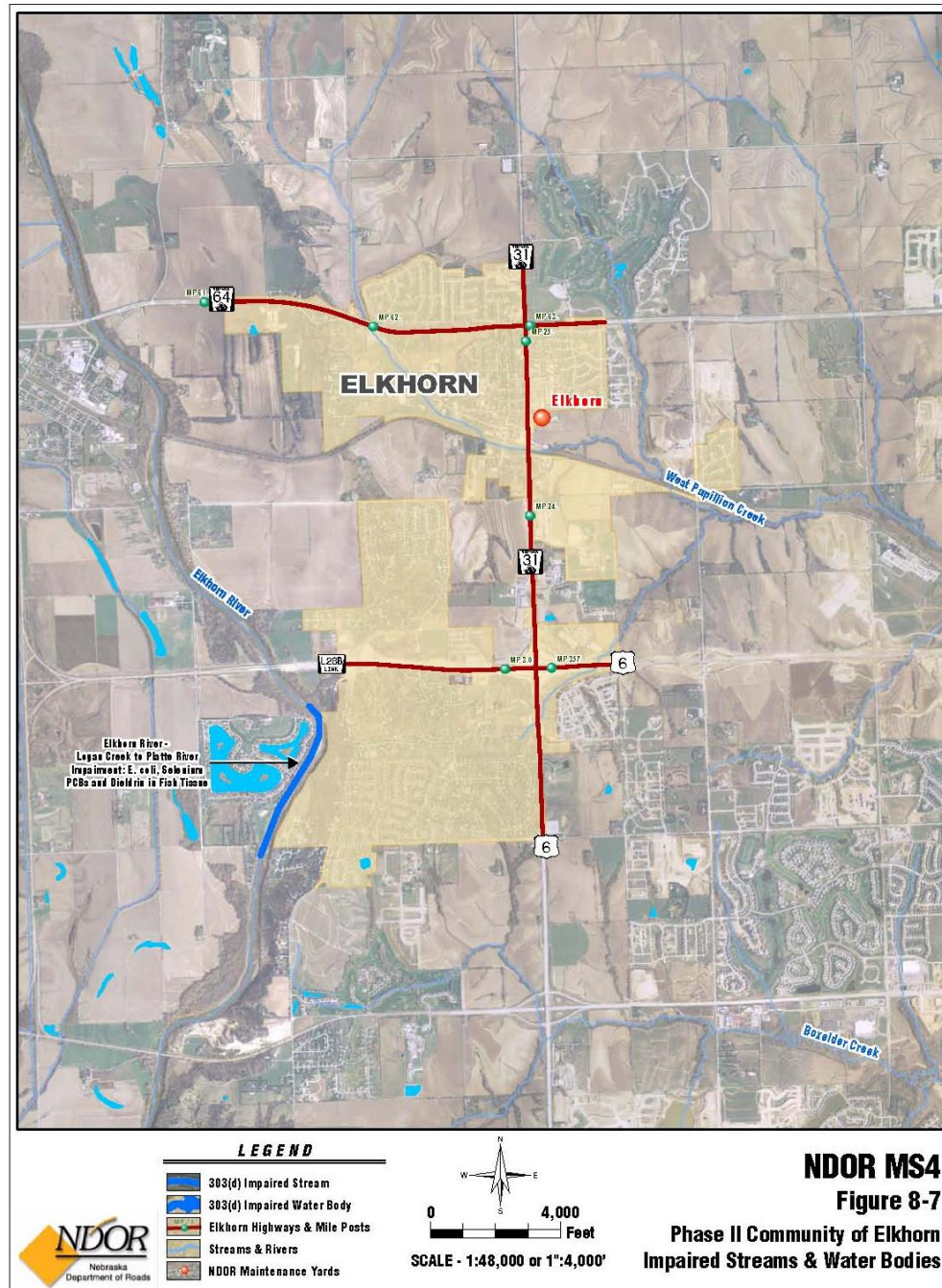
Figure 8-6 Phase II Community of Dakota City



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

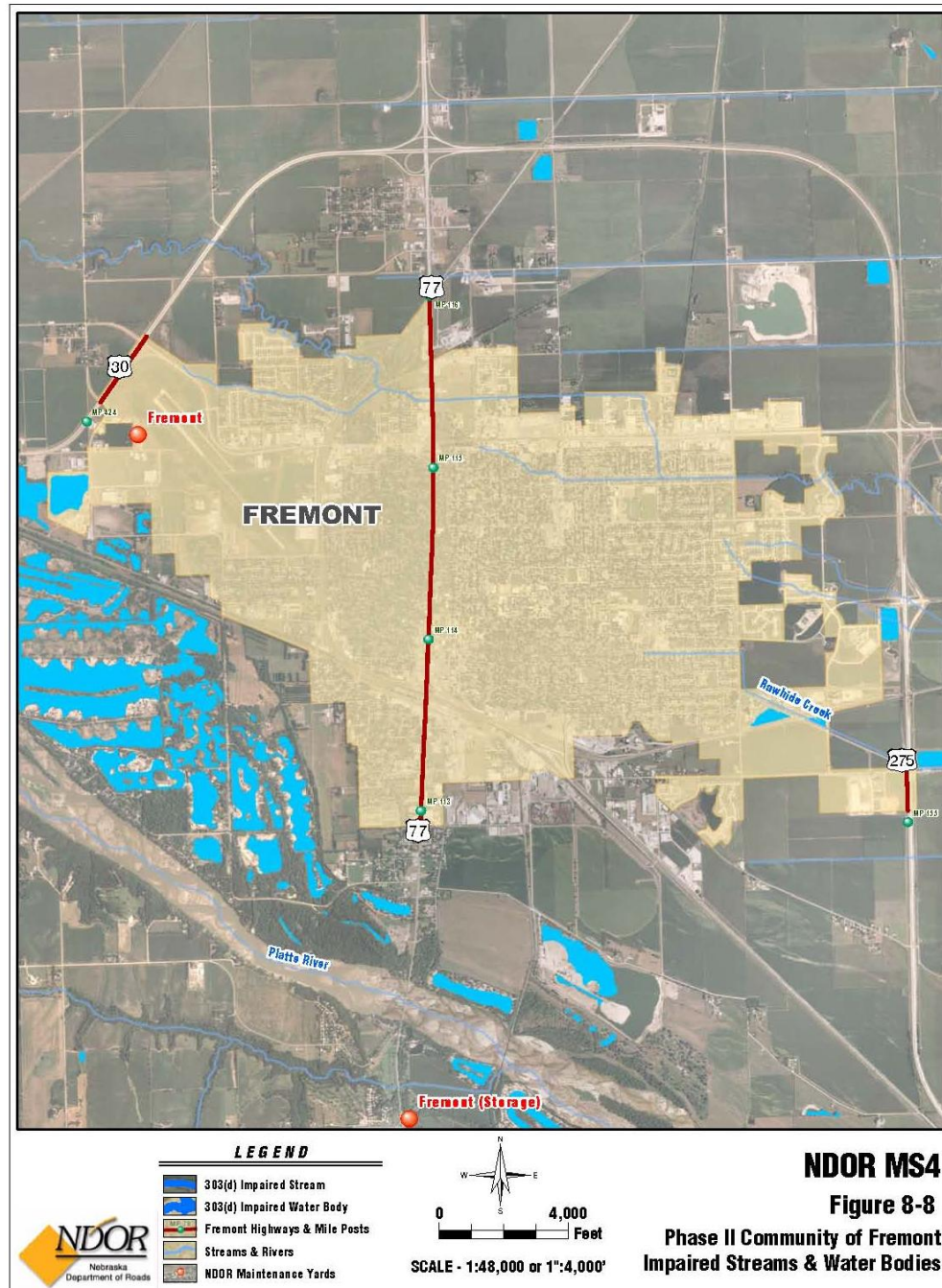
Figure 8-7 Phase II Community of Elkhorn



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

Figure 8-8 Phase II Community of Fremont



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

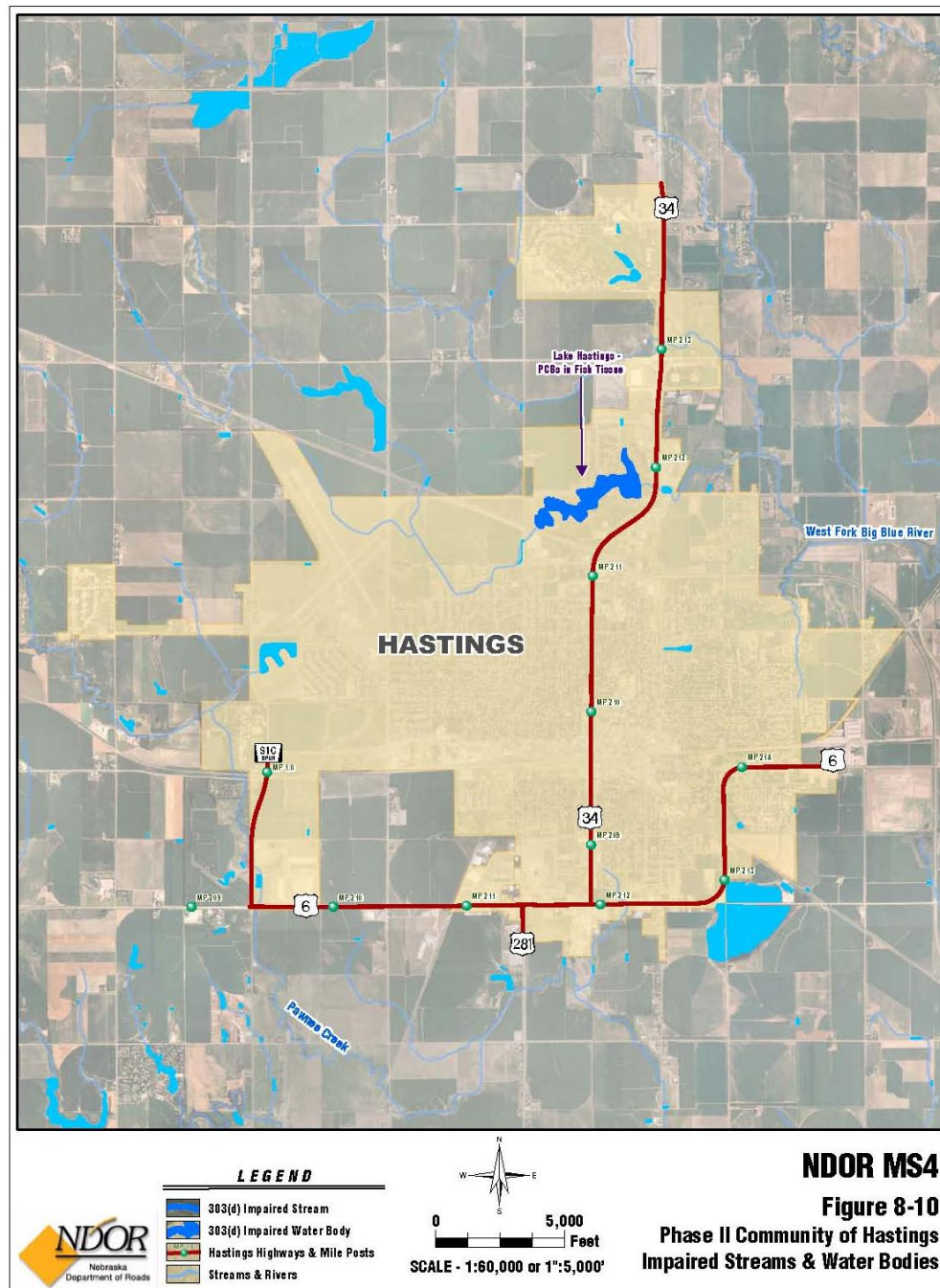
Figure 8-9 Phase II Community of Grand Island



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

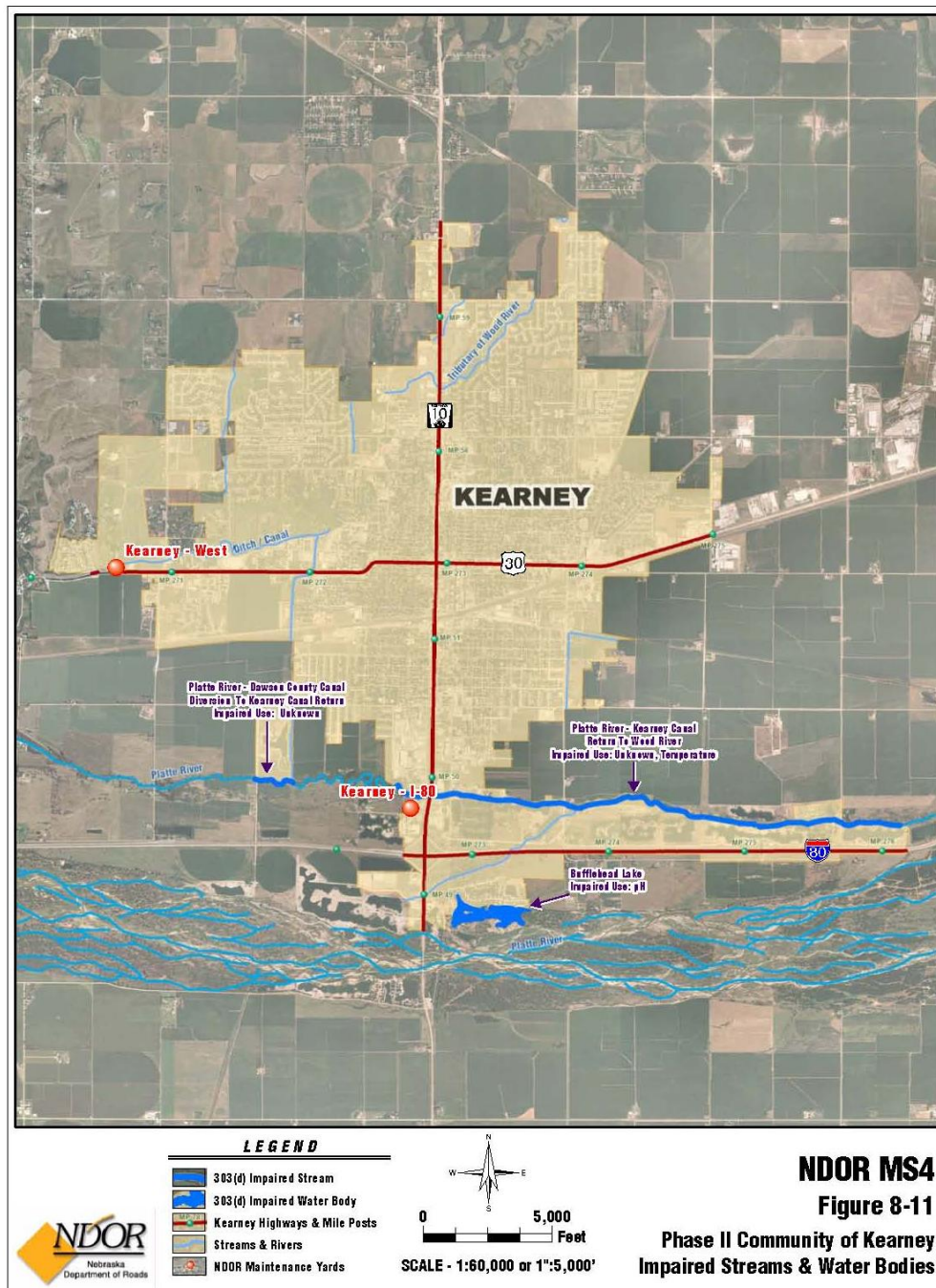
Figure 8-10 Phase II Community of Hastings



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

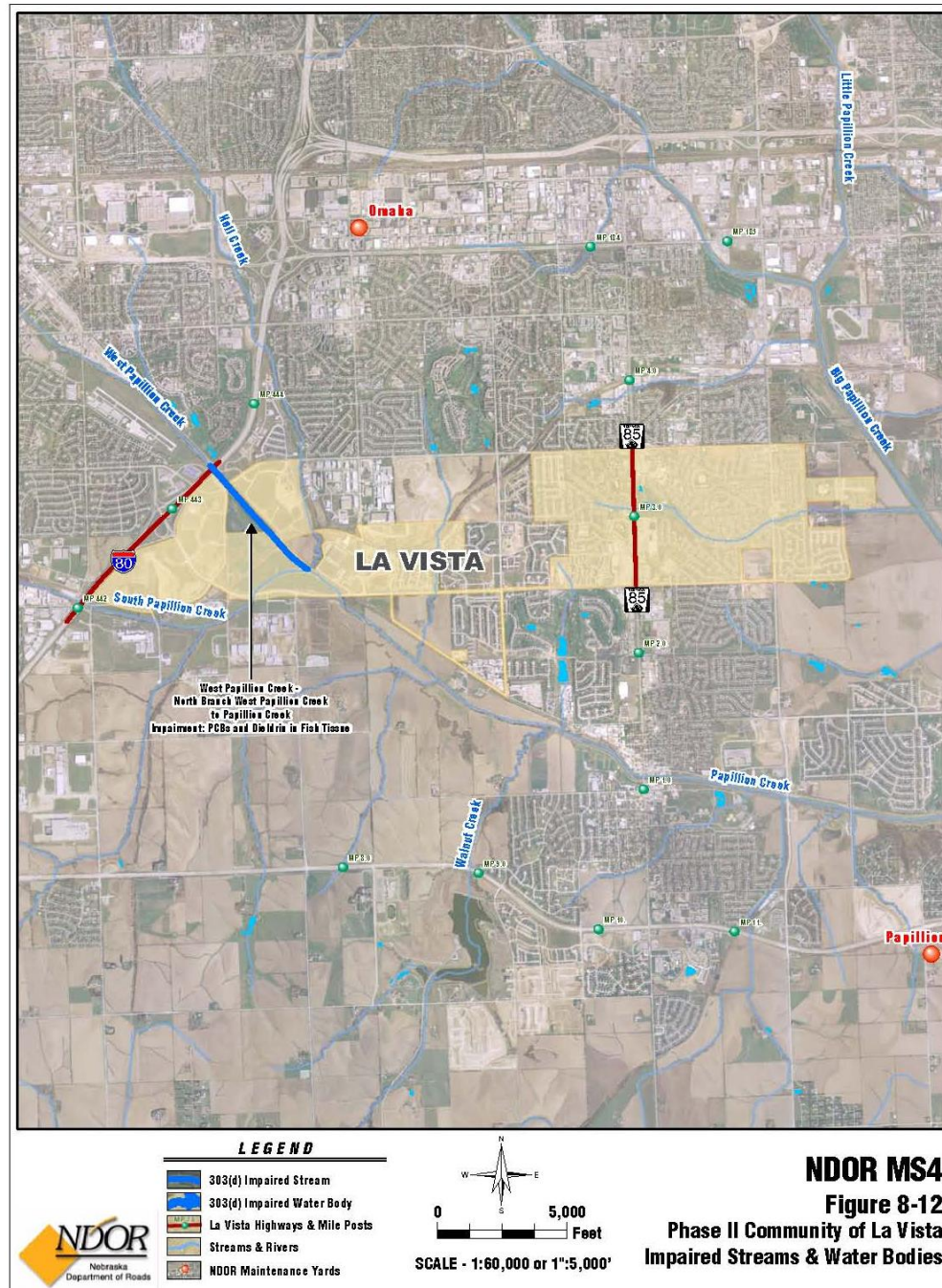
Figure 8-11 Phase II Community of Kearney



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

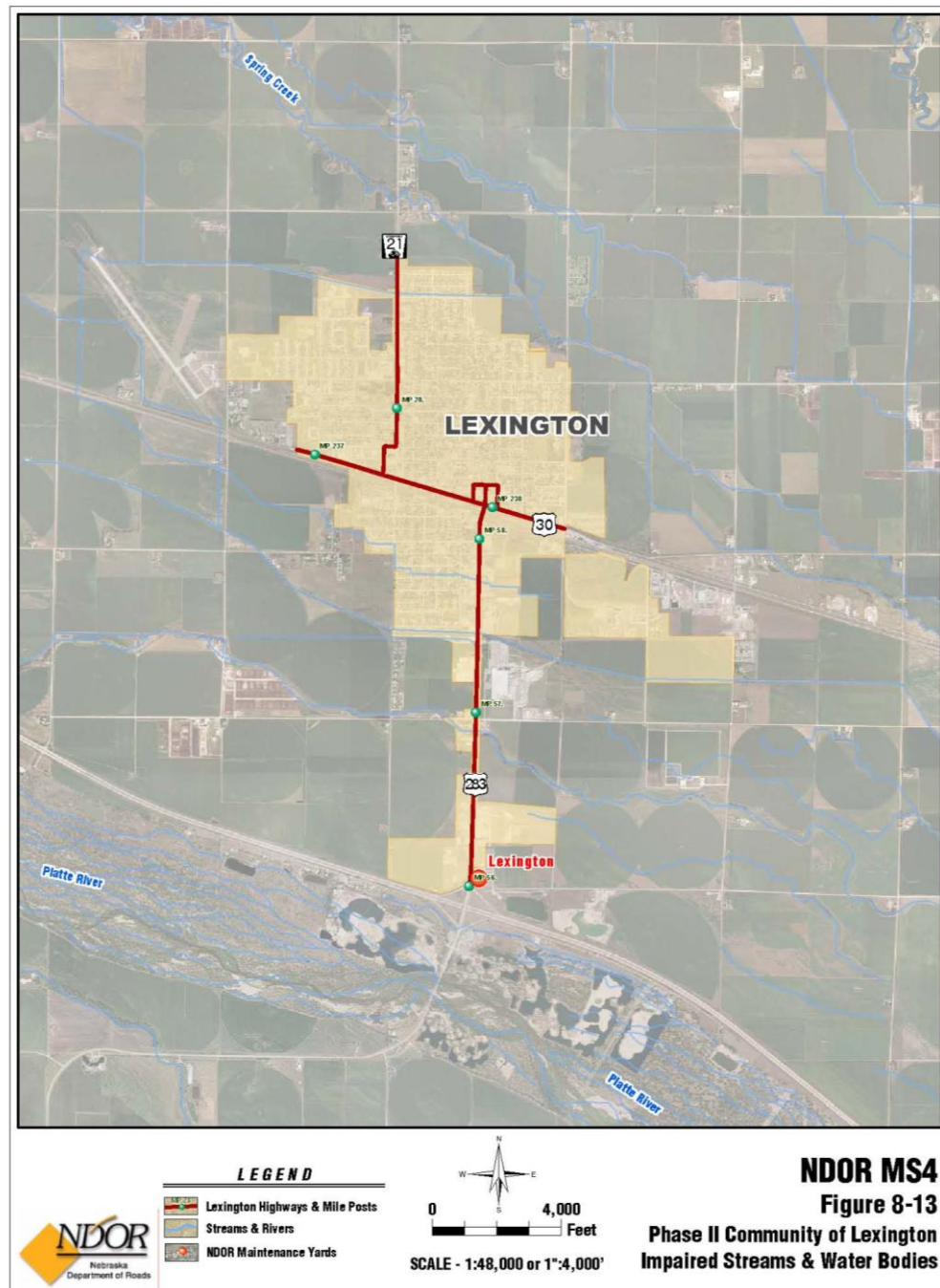
Figure 8-12 Phase II Community of La Vista



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

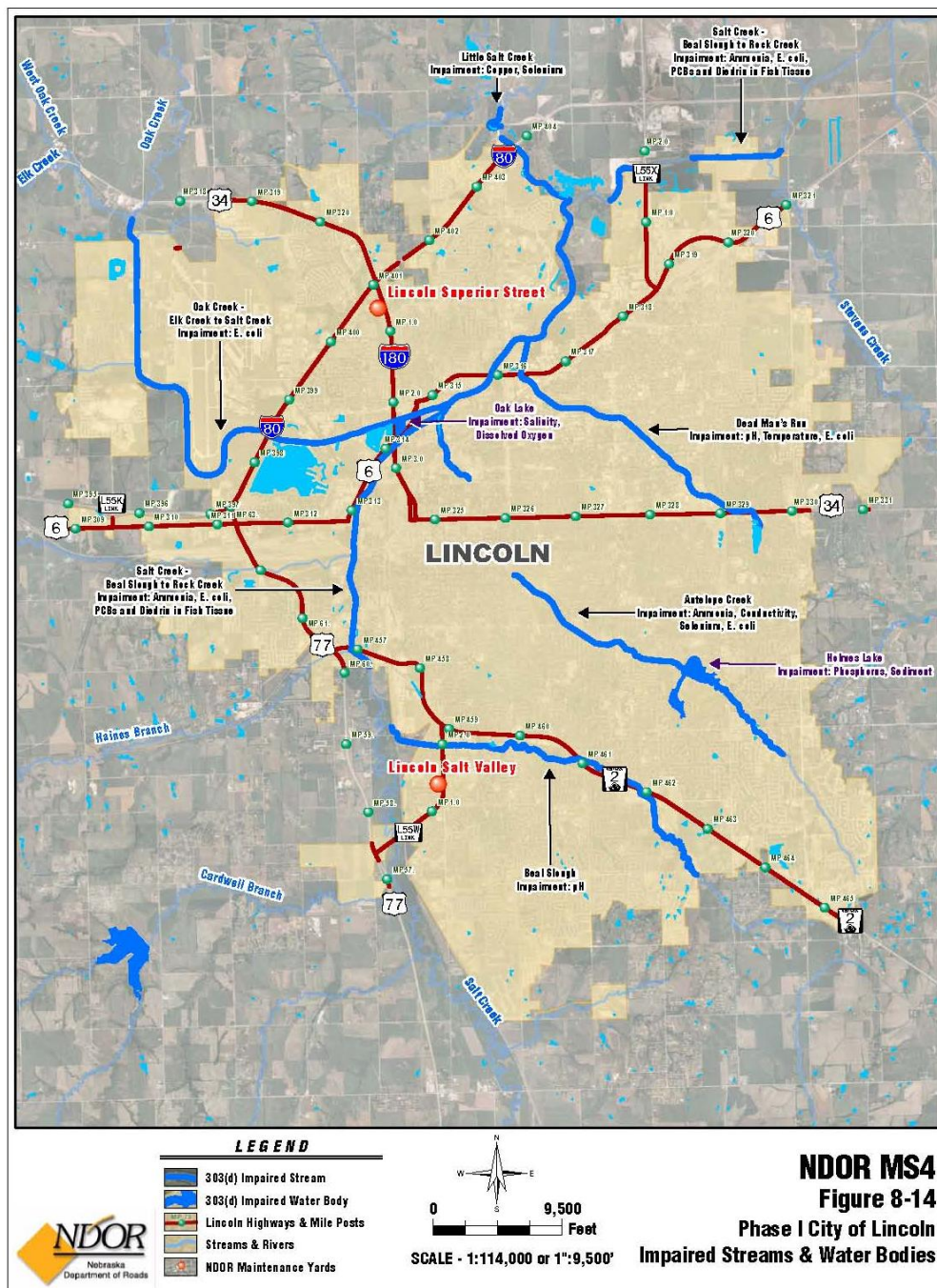
Figure 8-13 Phase II Community of Lexington



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

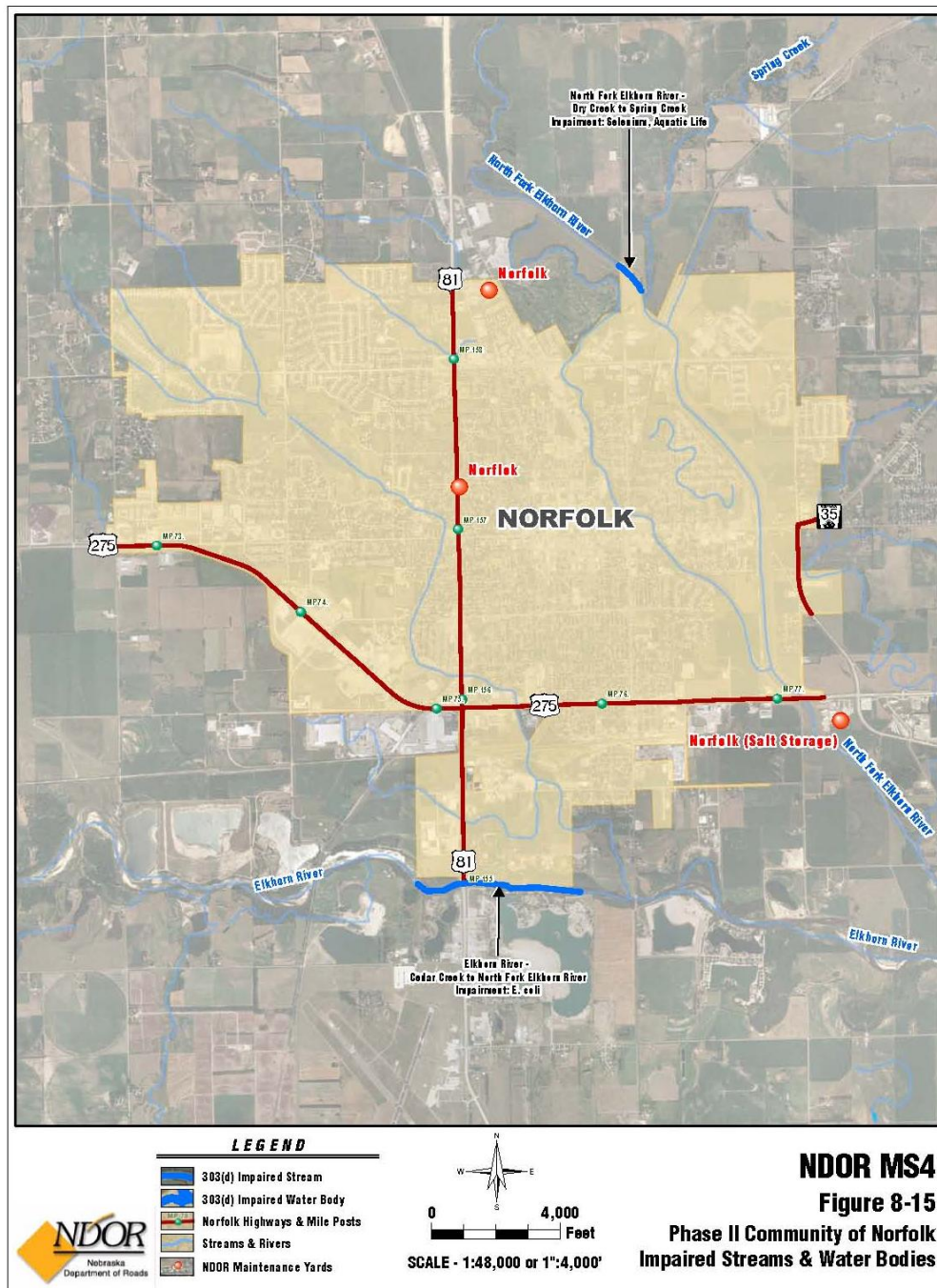
Figure 8-14 Phase I Community of Lincoln



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

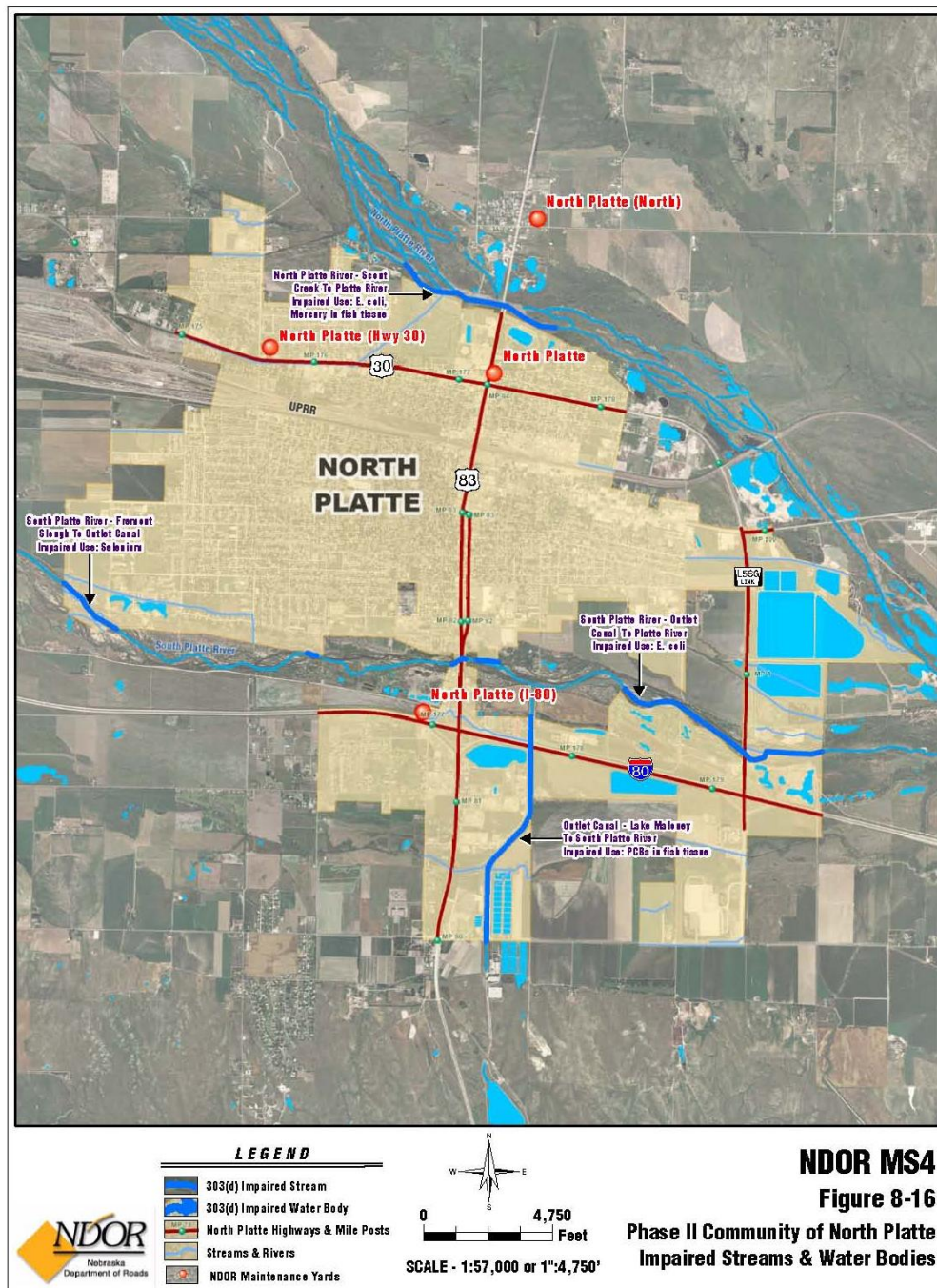
Figure 8-15 Phase II Community of Norfolk



8.0 NPDES Minimum Control Measures

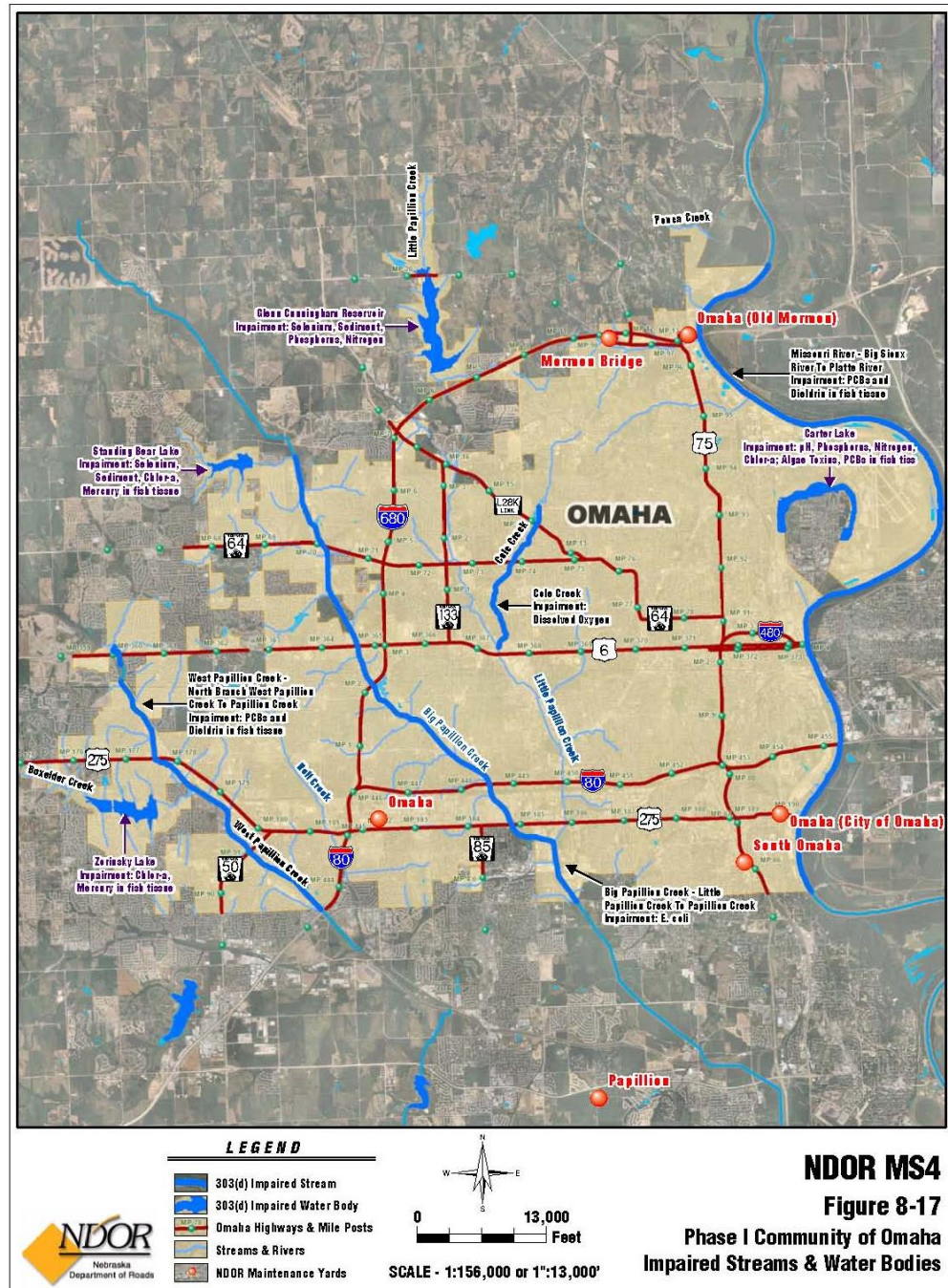
8.3 NDOR Coverage Area

Figure 8-16 Phase II Community of North Platte



8.3 NDOR Coverage Area

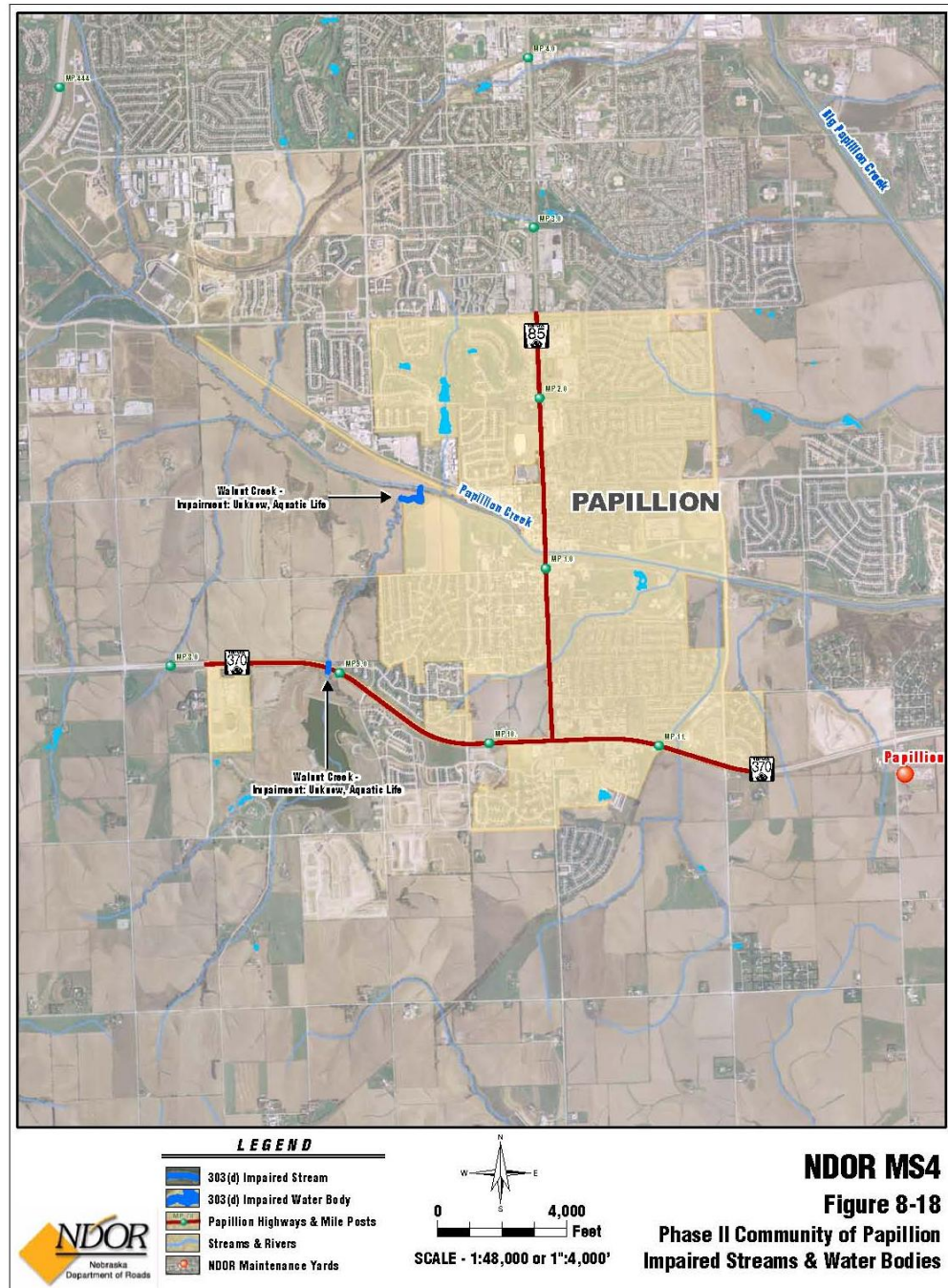
Figure 8-17 Phase I Community of Omaha



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

Figure 8-18 Phase II Community of Papillion



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

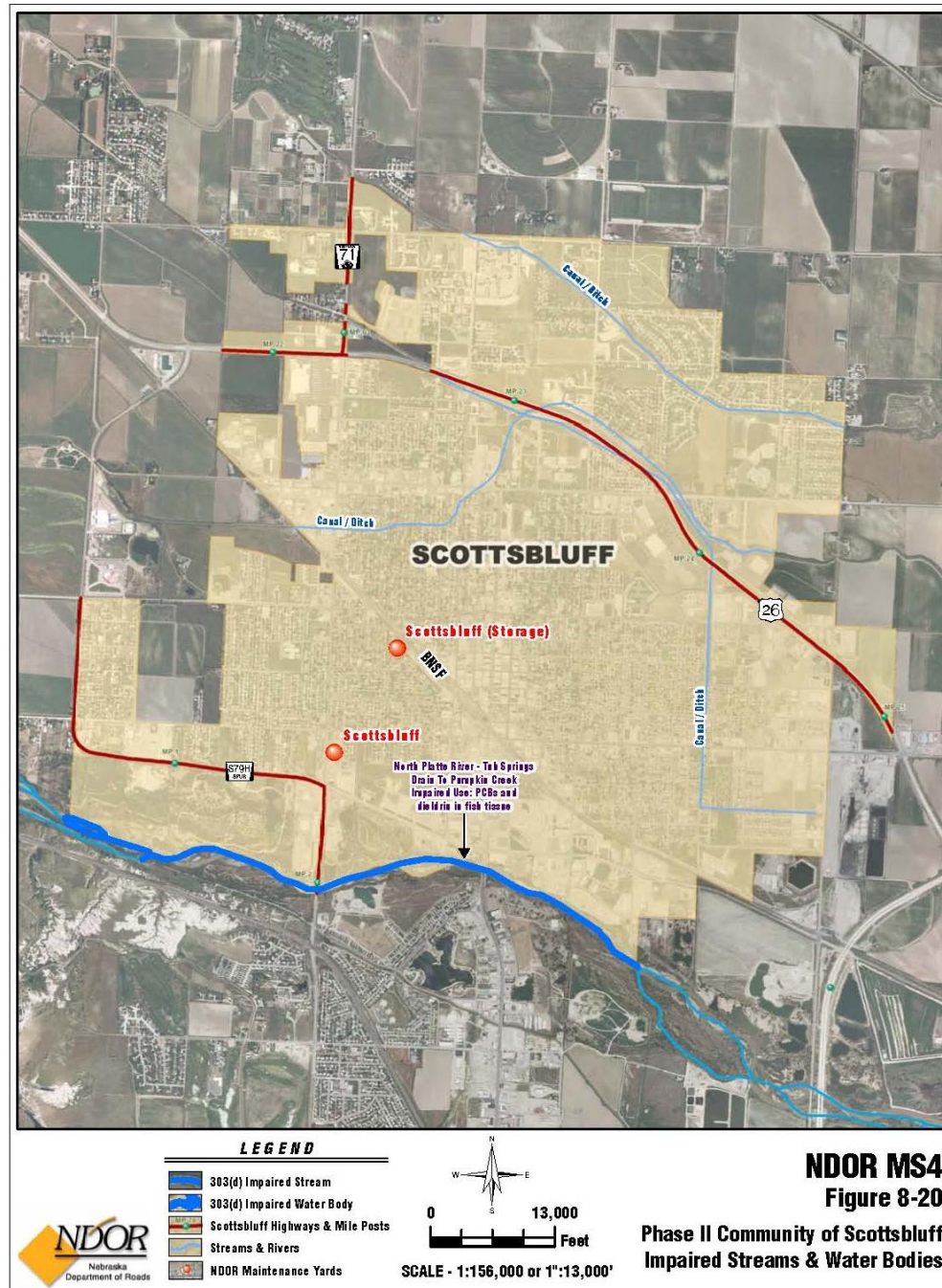
Figure 8-19 Phase II Community of Ralston



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

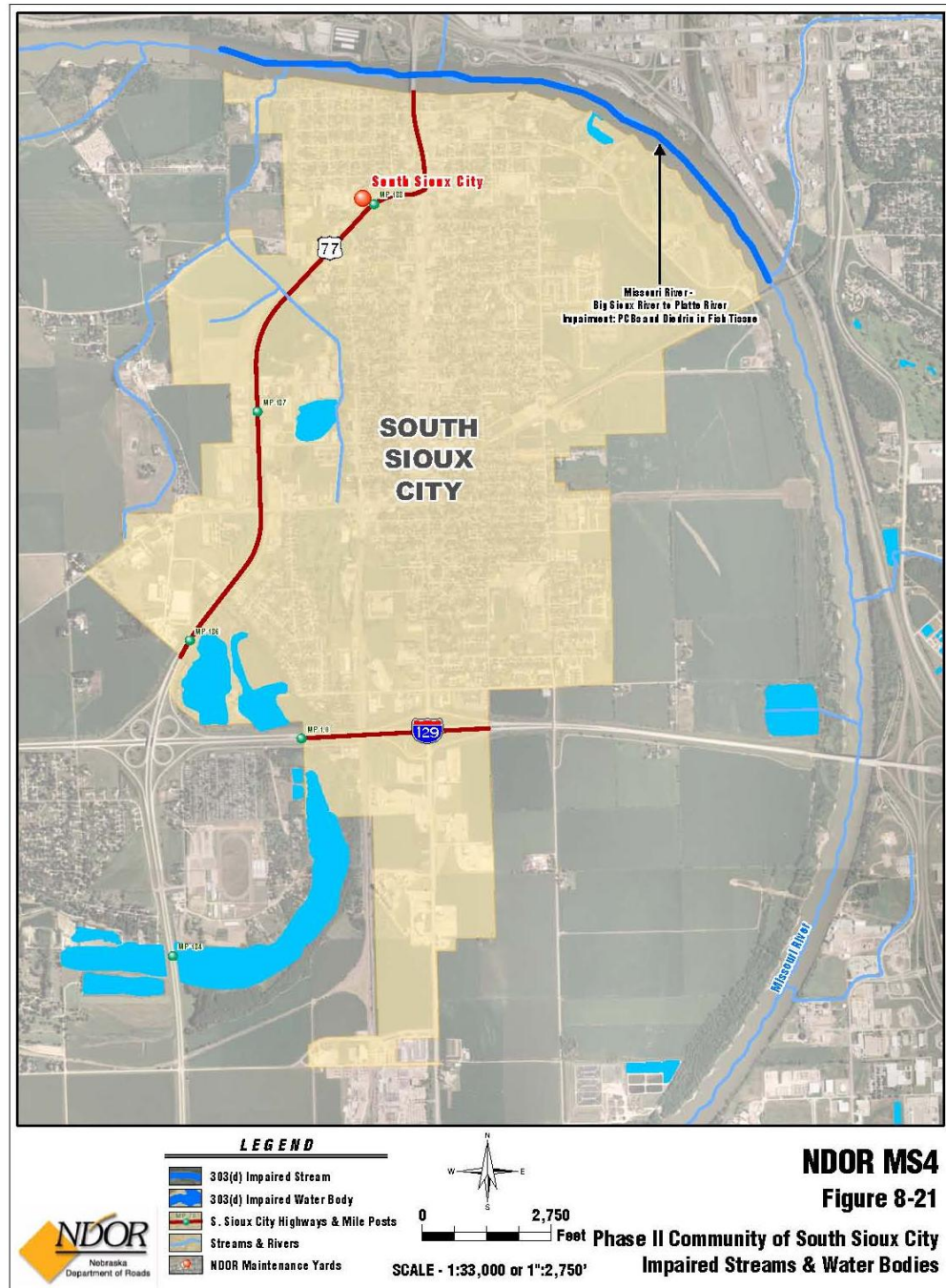
Figure 8-20 Phase II Community of Scottsbluff



8.0 NPDES Minimum Control Measures

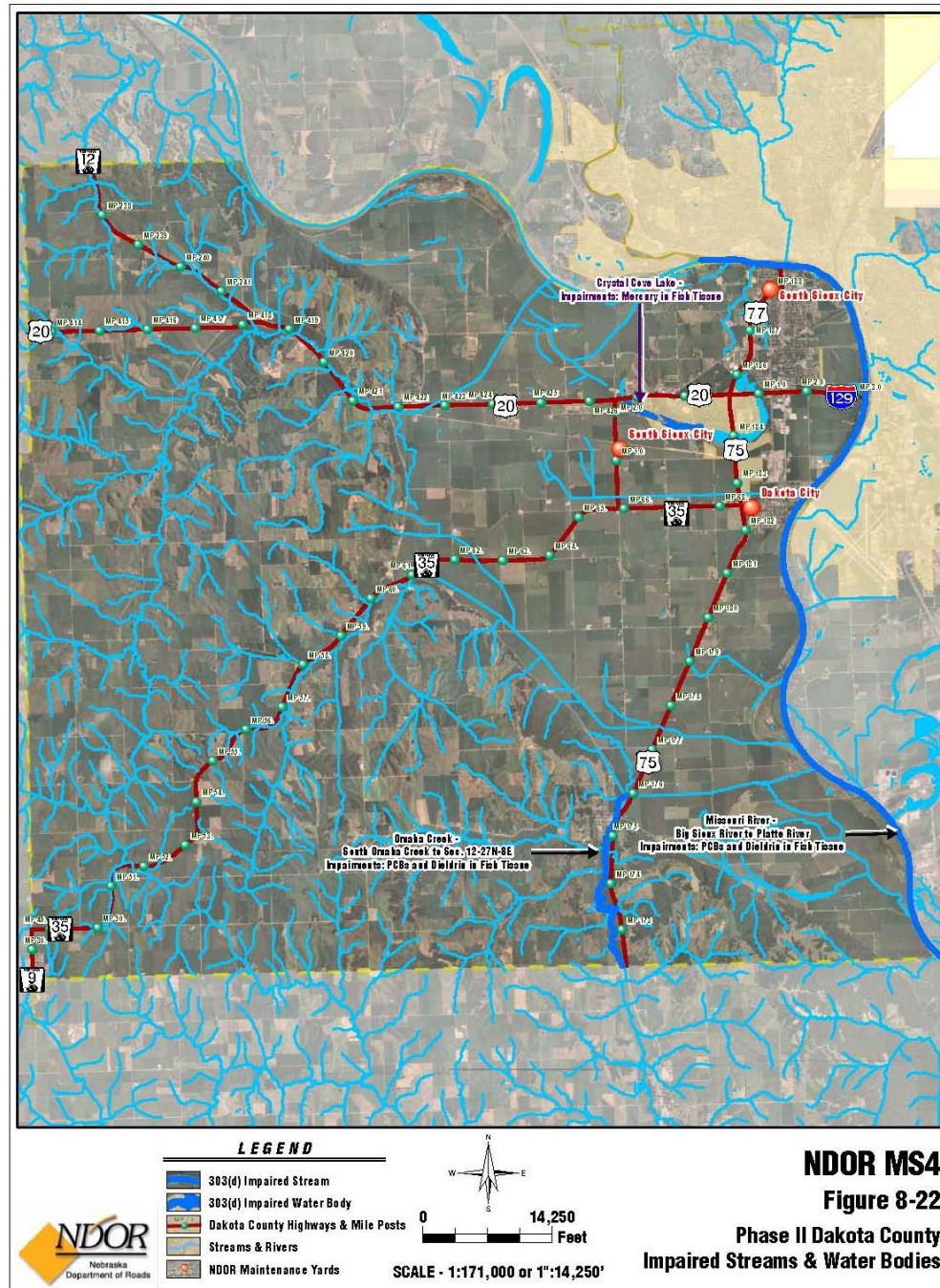
8.3 NDOR Coverage Area

Figure 8-21 Phase II Community of South Sioux City



8.3 NDOR Coverage Area

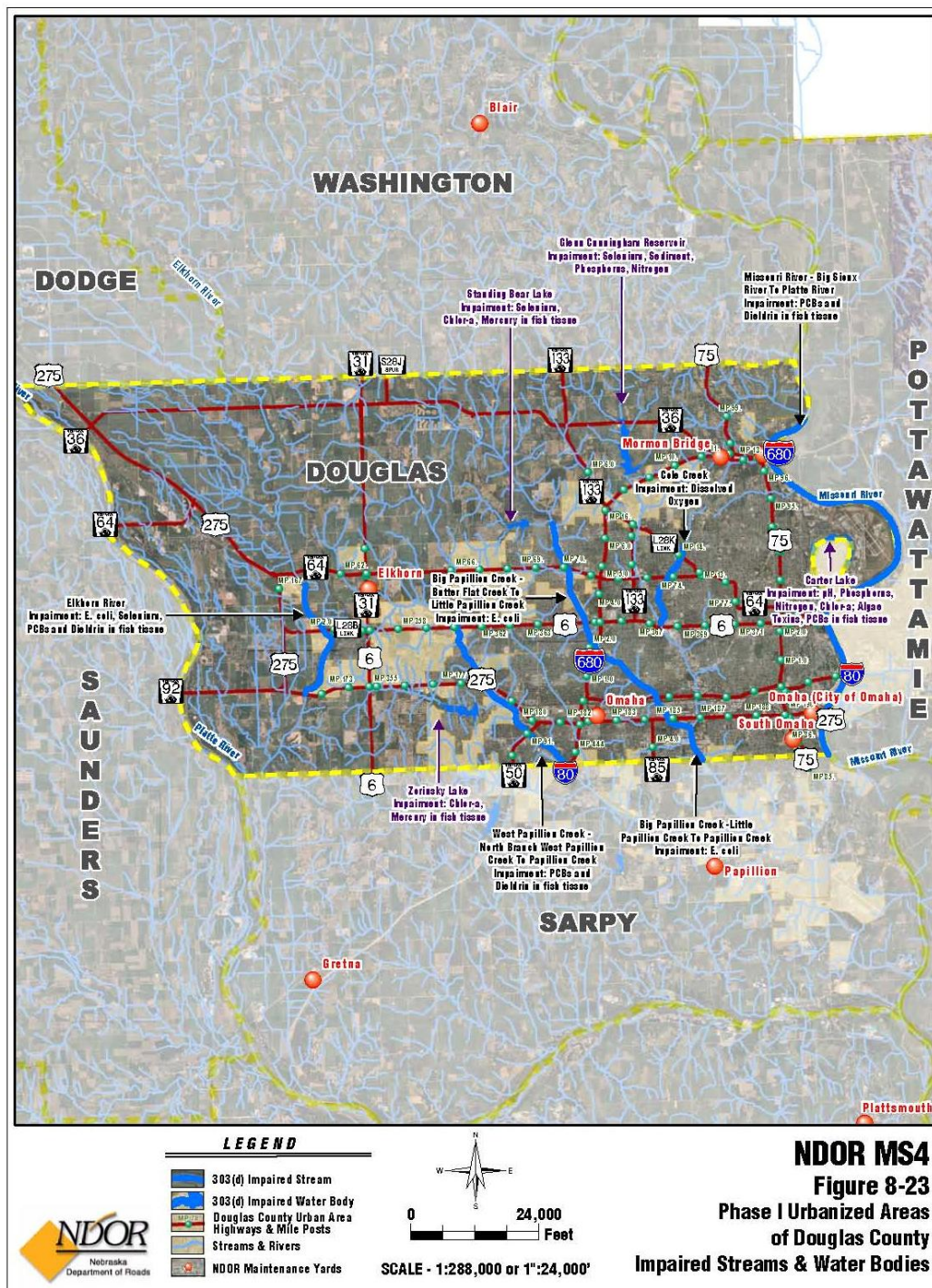
Figure 8-22 Phase II Urbanized Area of Dakota County



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

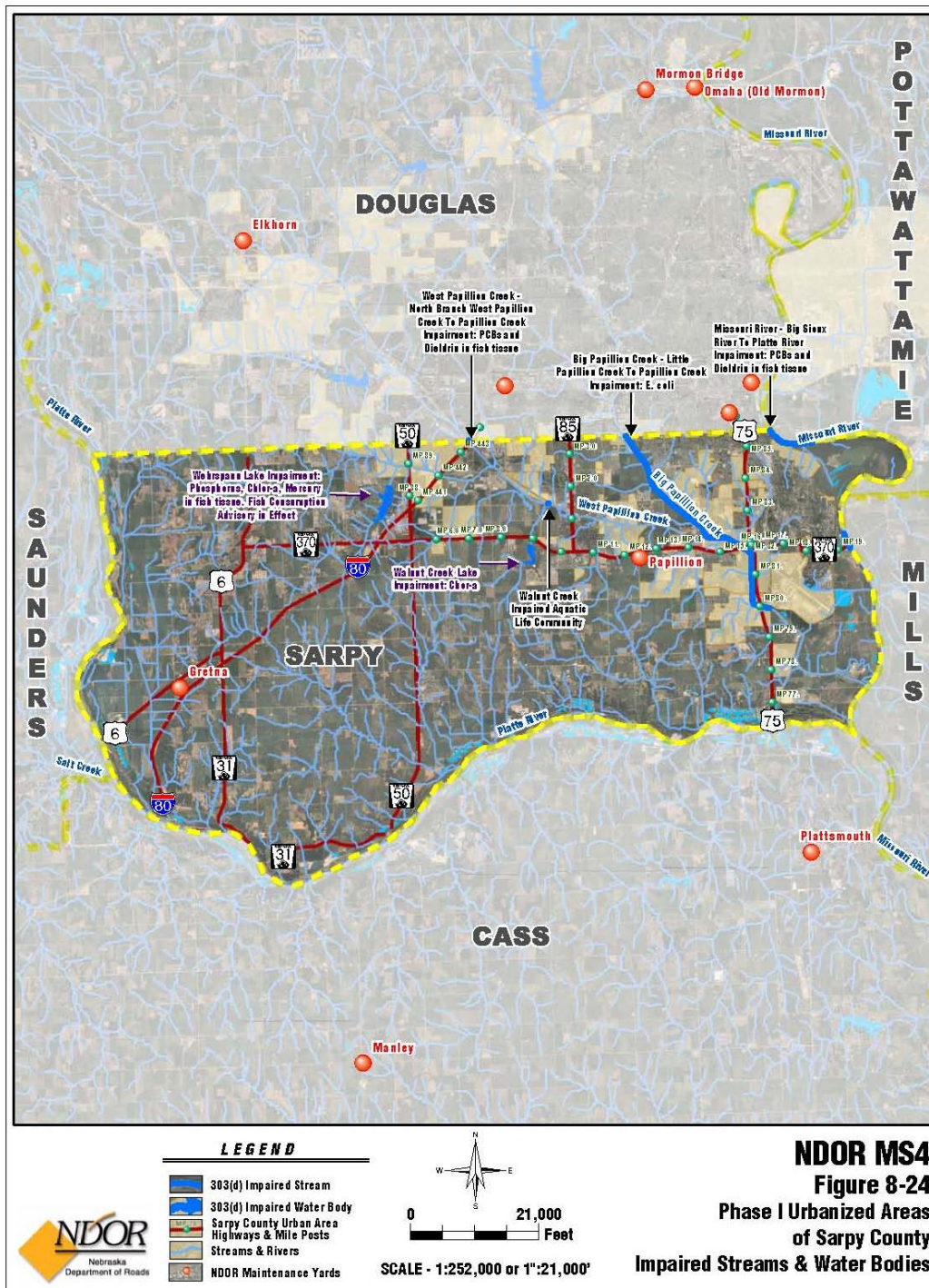
Figure 8-23 Phase II Urbanized Area of Douglas County



8.0 NPDES Minimum Control Measures

8.3 NDOR Coverage Area

Figure 8-24 Phase II Urbanized Area of Sarpy County





Section 8.0 References

8.4 Impaired Waters Within NDOR Coverage Area

8.0 References

8.4 Impaired Waters Within NDOR Coverage Area

DESIGNATION OF IMPAIRED WATERS

Section 303(d) of the federal Clean Water Act (CWA), which Congress enacted in 1972 requires NDEQ to identify and establish a priority ranking for all waterbodies in Nebraska in which technology-based effluent limitations required by Section 301 of the CWA:

- ▶ Are not stringent enough to attain and maintain applicable water quality standards;
- ▶ Establish total maximum daily loads (TMDLs) for the pollutants causing impairment in those waterbodies; and
- ▶ Submit, from time to time, the (revised) list of impaired waterbodies and TMDLs to the U.S. Environmental Protection Agency (EPA).

The requirements to identify and establish TMDLs apply to all waterbodies regardless of whether a waterbody is impaired by point sources, nonpoint sources, or a combination of both.

Section 305(b) of the CWA directs states to prepare a report every two (2) years that describes the status and trends of existing water quality, the extent to which designated uses are supported, pollution problems and sources as well as the effectiveness of the water pollution control programs. On July 21, 2005 EPA issued guidance for the 2006 waterbody assessments and reporting requirements for Section 303(d) and Section 305(b) of the Clean Water Act. The final product is referred to as an “Integrated Report” and EPA’s goal for this report is to provide the general public with a comprehensive summary of state and national water quality.

NDEQ has opted to prepare such a report not only for the general public but also for water quality management planning purposes (e.g. future monitoring, TMDL development, best management practice implementation).² NDOR will work to control pollutants within their coverage area that may be causing impairments to any waterbody listed in the Integrated Report.

Impaired waterways within the MS4 coverage area for NDOR along with the associated impairments are listed in Table 8.2. These listings have been taken from the 2006 Integrated Report published by NDEQ. Other impairments that are associated with storm water runoff from NDOR activities may be identified throughout the first permit term. These impairments will be documented for evaluation and assessment, as needed.

² 2006 Surface Water Quality Integrated Report. Nebraska Department of Environmental Quality. Water Quality Division. March 2006

8.0 References

8.4 Impaired Waters Within NDOR Coverage Area

Table 8-2 Impaired Waterways within the NDOR Coverage Area

REGULATED MS4	IMPAIRED STREAM	STREAM IMPAIRMENT
Beatrice	Big Blue River	Atrazine
		E. Coli
Bellevue	West Papillion Creek	PCBs
		Dieldrin
	Missouri River	PCBs
		Dieldrin
	Papillion Creek	PCBs
		Dieldrin
Columbus	Loup River Canal	PCBs
	Loup River	E. Coli
Dakota City	Missouri River	PCBs
		Dieldrin
Elkhorn	Elkhorn River	E. Coli
		Selenium
		PCBs
		Dieldrin
Grand Island	Wood River	Selenium
Hastings	Lake Hastings	PCBs
Kearney	Platte River	Fecal Coliform
		E. Coli
		Temperature
	Bufflehead Lake	pH

8.0 References

8.4 Impaired Waters Within NDOR Coverage Area

Table 8-2 Impaired Waterways within the NDOR Coverage Area (Continued)

REGULATED MS4	IMPAIRED STREAM	STREAM IMPAIRMENT
La Vista	West Papillion Creek	PCBs
		Dieldrin
Lincoln	Oak Creek	E. Coli
	Little Salt Creek	Copper
		Selenium
	Salt Creek	Ammonia
		E. Coli
		PCBs
		Dieldrin
	Oak Lake	Salinity
		Dissolved Oxygen
	Dead Man's Run	pH
		Temperature
		E. Coli
	Antelope Creek	Ammonia
		Conductivity
		Selenium
		E. Coli
	Holmes Lake	Phosphorus
		Sediment
	Beal Slough	pH
Norfolk	North Fork Elkhorn River	Selenium
	Elkhorn River	E. Coli

8.0 References

8.4 Impaired Waters Within NDOR Coverage Area

Table 8-2 Impaired Waterways within the NDOR Coverage Area (Continued)

REGULATED MS4	IMPAIRED STREAM	STREAM IMPAIRMENT
North Platte	North Platte River	E. Coli
		Mercury
	South Platte River	Selenium
		E. Coli
Omaha	Outlet Canal	PCBs
	Glenn Cunningham Reservoir	Selenium
		Sediment
		Phosphorus
		Nitrogen
	Standing Bear Lake	Selenium
		Sediment
		Chlor-a
		Mercury
	Missouri River	PCBs
		Dieldrin
	Carter Lake	pH
		Phosphorus
		Nitrogen
		Chlor-a
		Algae Toxins
		PCBs
	Cole Creek	Dissolved Oxygen
	West Papillion Creek	PCBs
		Dieldrin
	Zorinsky Lake	Chlor-a
		Mercury
	Big Papillion Creek	E. Coli

8.0 References

8.4 Impaired Waters Within NDOR Coverage Area

Table 8-2 **Impaired Waterways within the NDOR Coverage Area (Continued)**

<u>REGULATED MS4</u>	<u>IMPAIRED STREAM</u>	<u>STREAM IMPAIRMENT</u>
Papillion	Walnut Creek	Aquatic Life
Ralston	Big Papillion Creek	E. Coli
Scottsbluff	North Platte River	PCBs
		Dieldrin
South Sioux City	Missouri River	PCBs
		Dieldrin

8.0 References

8.4 Impaired Waters Within NDOR Coverage Area

Do Not Include This Page In Work Plan